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A TRUSTED NATIONAL FUSION CENTER NETWORK: ARE BASELINE CAPABILITIES AND ACCREDITATION NEEDED?

by

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September 2010

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A TRUSTED NATIONAL FUSION CENTER NETWORK: ARE BASELINE CAPABILITIES AND ACCREDITATION NEEDED?

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Much of the current fusion center debate focuses on three areas of concern: the ability of the centers to be a vital link in the national counter-terrorism effort while maintaining their state and local autonomy, the lack of consistency in the development and operation of the centers, and the potential for violation of civil liberties. This thesis analyzes the two handbooks most widely adopted by fusion center leadership, explores the disparity among the centers and their continuing challenges, and applies the characteristics of accreditation programs to the issues at hand in an effort to determine whether published baseline capabilities coupled with an accreditation process is the solution to the long-term success of fusion centers.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
CALEA	Commission on Accreditation for Law Enforcement Agencies
CCP	Citizens Corp Program
CFAI	Commission on Fire Accreditation International
CFR	Code of Federal Regulations
CHDS	Center for Homeland Defense & Security
CIA	Central Intelligence Agency
CICC	Criminal Intelligence Coordinating Council
CRCL	Civil Rights/Civil Liberties
CRS	Congressional Research Service
DHS	Department of Homeland Security
DNI	Director of National Intelligence
DoD	Department of Defense
DOJ	Department of Justice
EMAP	Emergency Management Accreditation Program
FBI	Federal Bureau of Intelligence
FCAP	Fusion Center Accreditation Program
FCFG	Fusion Center Focus Group
FIG	Field Intelligence Group
FOIA	Freedom of Information Act
GAO	Government Accountability Office
GIWG	Global Intelligence Working Group
GLOBAL	Global Justice Information Sharing Initiative
HSAC	Homeland Security Advisory Council
HSGP	Homeland Security Grant Program
HSPD	Homeland Security Presidential Directive
IACP	International Association of Chiefs of Police

IAEM	International Association of Emergency Managers
IAFC	International Association of Fire Chiefs
IALEIA	International Association of Law Enforcement Intelligence Analysts
IC	Intelligence Community
ICMA	International City/County Managers Association
ISE	Information Sharing Environment
JTTF	Joint Terrorism Task Force
LETPP	Law Enforcement Terrorism Prevention Program
MMRS	Metropolitan Medical Response System
NCISP	National Criminal Intelligence Sharing Plan
NCTC	National Counterterrorism Center
NEMA	National Emergency Management Agency
NFCA	National Fusion Center Association
NFC-PMO	National Fusion Center Program Management Office
NGA	National Governor's Association
NIEM	National Information Exchange Model
NOBLE	National Organization of Black Law Enforcement Executives
NSA	National Sheriff's Association
PERF	Police Executive Research Forum
PGC	Privacy Guidelines Committee
PHAB	Public Health Accreditation Board
PM	Program Manager
PM-ISE	Program Manager, Information Sharing Environment
SAR	Suspicious Activity Report
SET	Strategic Execution Team
UASI	Urban Area Security Initiative

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I. INTRODUCTION

A. PROBLEM

In the aftermath of 9/11, one of the key initiatives undertaken to improve the national sharing of information and intelligence was the development of a national system of federal, state, and urban-area fusion centers. The creation of the national fusion center initiative constituted more than merely changing the name of previously existing intelligence centers to "fusion centers." It involved the creation of a new and innovative fusion process. The fusion process required the reengineering of the entire intelligence framework or the creation of an entirely new entity that would meet the goals set forth in the National Criminal Intelligence Sharing Plan (United States Department of Justice, Bureau of Justice Assistance [USDOJ-BJA], 2005). This plan was developed to provide a national plan for state, local, tribal, and federal agencies to overcome the barriers to effective intelligence sharing.

Throughout the next several years, numerous working groups and committees were formed in an attempt to provide fusion center leadership roadmaps for successful mission, operations, structure, and organization. From these efforts, a variety of manuals and information packets were produced, some more widely used than others. While clearly a step in the right direction, research has shown that, despite these efforts, fusion centers continue to struggle in many areas for a variety of reasons. The author argues that limited guidance, insufficient metrics, and lack of a formalized compliance verification process may likely be the controlling factors.

An examination of published guidelines and a review of the evolution of fusion center operations reveals that, despite compelling arguments outlining the critical nature of fusion centers, no mandatory processes exist to ensure accountability, effectiveness, and growth. Rather, published guidelines are voluntary, minimum standards, and while programs are in place to evaluate fusion centers, comprehensive metrics have not been developed. Moreover, fusion center leadership can choose to ignore cited recommendations. To ensure long-term success, a strategy for measuring the

effectiveness of our nation's fusion centers and a system of incentives for achieving goals must be implemented. A comparison of organizations that at one time faced challenges similar to those of fusion centers reveals that the combination of an enhanced capabilities standard and an accreditation process may be the answer. An enhanced capabilities standard would provide a common framework from which fusion centers could operate, and an accreditation process would ensure progress towards common goals, accountability, and continual growth.

B. RESEARCH QUESTIONS AND METHODOLOGY

Much of the current fusion center debate focuses on the concern over the ability of the centers to be a vital link in the national counterterrorism effort while maintaining their state and local autonomy, concern over the lack of consistency in the development and operation of the centers, and the potential for violation of civil liberties. This thesis analyzes the two handbooks most widely adopted by fusion center leadership, explores the disparity among and the continuing challenges of fusion centers, and applies the characteristics of accreditation programs to the issues at hand in an effort to determine whether published baseline capabilities coupled with an accreditation process is the solution to the long-term success of fusion centers. The research questions that will be addressed in this thesis are as follows:

- Are the published guidelines and baseline capabilities adequate?
- Would an enhanced capabilities standard together with an accreditation process assist in the establishment of a national network of fusion centers?

In an effort to satisfy these research questions, Chapter II of this thesis will provide an overview of the history of fusion center development and will identify and analyze in detail the outstanding issues currently faced by fusion centers. Chapter II also examines the Fusion Center Guidelines (United States Department of Homeland Security & United States Department of Justice [USDHS & USDOJ], 2006) and provides an analysis of the strengths and weaknesses of the guidance contained within this document. Chapter III introduces the Baseline Capabilities for State and Major Urban Area Fusion Centers (USDHS & USDOJ, 2008) and applies those capabilities to the issues identified

in Chapter II, offering specific examples to illustrate the benefits and potential deficits of this document. Chapter IV examines a variety of accreditation models used by professional organizations and applies those models to the fusion center concept as one method for ensuring the long-term success of fusion centers. Lastly, Chapter V provides recommendations for consideration in applying this two-tiered approach—an enhancement of the baseline capabilities to a national fusion center capabilities standard coupled with accreditation.

C. SIGNIFICANCE OF RESEARCH

While demonstrating that the baseline capabilities currently in use are appropriate and acceptable as a minimum standard for fusion centers, the author assesses the feasibility of a national fusion center accreditation process that, if implemented, would allow for the evolution of the baseline capabilities into an enhanced national fusion center standard founded on identified and accepted best practices. This thesis will add to the national discussion concerning the development and utilization of a national fusion center network and offers a strategic policy solution for addressing national policy concerns while receiving the support of state and local officials.

D. LITERATURE REVIEW

The literature on fusion centers can best be broken down into the following categories: recognition of the need for fusion centers, national strategy, recommended best practices for establishing fusion centers, governmental review and assessment of fusion center capabilities, and review of accreditation programs.

1. The Need for Fusion Centers

The establishment of fusion centers is a direct result of the attacks of September 11, 2001. In the investigation that followed the attacks, the 9/11 Commission identified the failure of the intelligence community and local, state, and federal law enforcement to share information and intelligence as a contributing factor of the failure to prevent the attacks (National Commission on Terrorist Attacks upon the United States

[9/11 Commission], 2004, p. 328). One of the recommendations put forth by the 9/11 Commission was that local and state police agencies receive more training and develop working relationships with federal agencies in order to improve their ability to identify terrorist suspects (9/11 Commission , 2004, p. 390).

In the spring of 2002, law enforcement executives and intelligence experts attended the Criminal Intelligence Sharing Summit of the International Association of Chiefs of Police in order to identify and correct long-standing barriers to the sharing of intelligence information among local, state, tribal, and federal law enforcement. The Global Justice Information Sharing Initiative (GLOBAL) Intelligence Working Group (GIWG) was created to oversee the development and implementation of an intelligence-sharing plan. From this summit a national shift in policing strategy was adopted and identified as intelligence-led policing. The main goal of intelligence-led policing was to provide public safety decision makers with the information needed to protect the lives of citizens in their jurisdictions. The National Criminal Intelligence Plan was created and provided twenty-seven recommendations critical to the implementation of a national intelligence-led policing model (USDOJ-BJA, 2005, p. v). The recommendations included the need to develop minimum standards for the management of an intelligence function, the need to adopt and utilize the intelligence process, and the need for the creation of the Criminal Intelligence Coordinating Council (CICC) comprised of local, state, tribal, and federal entities that would provide and promote inclusive guidance to the criminal intelligence process (USDOJ-BJA, 2005, p. 5).

Prior to September 11, several states and jurisdictions had developed multi-jurisdictional intelligence centers to maximize specific crime problems, i.e., gun crimes, gangs, drugs. In the aftermath of September 11, more state and local jurisdictions began to establish fusion centers in order to maximize the collection of diverse, raw information for analysis and identification of potential terrorist threats within a region. As a result, the CICC, GLOBAL, and the newly formed Department of Homeland Security began to recognize the value of fusion centers, and the fusion center concept was adopted as a national model for combating terrorism at home. This concept eventually expanded to an

"all-crimes/all-hazard approach" as the value of the fusion process increased the justification for the centers with agencies and jurisdictions nationwide (Carter, 2009, p. 180).

2. National Strategy

The need for inclusion and collaboration among the national intelligence community, the federal government, and state and local governments was addressed as early as July 2002. The National Strategy for Homeland Security (Office of Homeland Security [OHS], 2002, pp. 7–14) recognized that the cold-war era of intelligence collection and dissemination was no longer applicable post 9/11. Many homeland security officials and observers thought that an integrated system of inclusion and early warning that included state and local government was required.

In order to address the failures of the national intelligence community, the United States established the position of Director of National Intelligence and placed the oversight of the majority of the federal intelligence agencies under its control. A new national intelligence strategy was also developed. Created within the Office of the Director of National Intelligence were the National Counterterrorism Center (NCTC) and the Office of the Program Manager for the Information Sharing Environment (PM-ISE). The mission of the NCTC was to ensure a collaborative effort between the national intelligence community and local, state, and tribal law enforcement, as defined below:

> The Director of the National Counterterrorism Center will develop a comprehensive national intelligence plan for supporting the nation's war on terror. The plan will identify the roles and responsibilities of each member of the intelligence community involved in supporting our national counterterrorism efforts, including their relationships with law enforcement and homeland security authorities. (Office of the Director of National Intelligence, 2005, p. 6)

The PM-ISE was created to implement the information-sharing goals set forth by the United States Congress in the Intelligence Reform and Terrorism Prevention Act of 2004. The mandate was to address the intelligence and information-sharing failures identified post 9/11. The Program Manager identified a network of state and federal

fusion centers as a centerpiece for improved information- and intelligence sharing and the prevention of terrorist acts within our borders (Office of the Program Manager, Information Sharing Environment, 2006, p. 30). The goal of the PM-ISE was "to ensure the information needs of federal, state, local and tribal governments and the private sector are identified and satisfied" (Office of the Director of National Intelligence, 2005, p. 6).

The importance of state and major urban area fusion centers as vital assets critical to sharing terrorism-related information with the federal intelligence community was further defined in the National Strategy for Information Sharing (President of the United States [POTUS], 2007, pp. A1–5). This strategy also identified the need for achieving and sustaining baseline operational standards by fusion centers, mandating that the federal government work with state and local partners to develop baseline capabilities for fusion centers (POTUS, 2007, pp. A1–5).

During the national elections in 2008, the country chose a new president and initiated a change in congressional leadership. However, the recognition of the premise that fusion centers were a vital part of the national security strategy and the dedication to information sharing and intelligence were reaffirmed. In September 2009, during testimony before Congress, Secretary Janet Napolitano testified:

> The work of state, local, and tribal law enforcement at the local level puts them in the best position to notice when something is out of place and warrants a closer look—which is often the first step to thwarting a domestic terrorism plot. The Department facilitates information sharing with state, local, and tribal law enforcement to improve their understanding of the domestic terrorist threat, in part by filling information gaps between the federal Intelligence Community (IC) and the Nation's thousands of law enforcement agencies. DHS is also strengthening the Department's intelligence enterprise by supporting the state and major urban area fusion centers where state, local, tribal, and federal law enforcement and other emergency response providers share information and intelligence. These centers allow DHS to bridge the information gap between the IC and state, local, and tribal authorities, but they are not simple extensions of the IC. (Napolitano, 2009)

Secretary Napolitano also stated the new administration's commitment to enhancing a process for collecting and assessing regional threats in coordination with the fusion centers and to promoting a common mission and purpose for fusion centers by offering training and support (Napolitano, 2009).

On December 17, 2009, the importance of fusion centers in the national strategy was further demonstrated in an executive memorandum from the White House that created dual program management offices within the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to oversee the fusion center concept and an overall national suspicious activity reporting approach. These programs were identified as essential national security initiatives. John O. Brennan, Assistant to the President for Homeland Security and Counterterrorism, further stated that:

> Fusion centers provide a key link between Federal homeland security, law enforcement, and intelligence communities and their State, local, and tribal counterparts. They also play an essential role in the dissemination of alerts and warnings, and the movement of suspicious activity reporting from the local observers to the Federal Government for analysis. (White House, 2009, p. 2)

The memorandum clearly acknowledges that information sharing and analysis will be a top priority of the new administration.

In May 2010, the updated National Security Strategy for the United States was released and clearly signaled the importance of collaboration in the sharing of intelligence information between the national intelligence communities and law enforcement in the prevention of acts of terrorism on American soil. The strategy further confirms the federal government's commitment to leveraging and integrating state and urban-area fusion centers as a conduit for homeland security information and intelligence sharing and analysis (White House, 2010, p. 20).

In July 2010, the PM-ISE released its annual report to Congress. The report highlights the efforts of federal, state, and local officials to implement critical baseline capabilities for fusion centers and to conduct a nationwide assessment of the implementation of those capabilities. These efforts will be assessed in Chapter V of this

thesis. However, the report reiterates the importance of a national network of fusion centers within the national security strategy of the United States. Within the report is the recognition that, while the ISE's primary mission is the collection and sharing of counterterrorism information, there is value in an all-crimes approach utilized by fusion centers and public safety entities when collecting and sharing suspicious activity reporting. Frontline law enforcement agencies are more likely to generate suspicious activity reports relating to gang or narcotic crime than crime with a terrorism nexus. This flexibility allows local, state, tribal, and federal partners to implement consistent training, privacy and civil liberty protections, and oversight and to implement intelligence-led policing (Program Manager, Information Sharing Environment, 2010, p. iv).

3. Recommended Best Practices for Fusion Centers

Because the concept of modern fusion centers as a multidisciplinary and strategic intelligence and analysis conduit is relatively new, neither a nationally accepted organizational structure nor operational procedures have been clearly defined or accepted. There are literally hundreds of recommendations in existence for suggested best practices of fusion centers (Rollins & Conners, 2007, p. 4). Furthermore, there have been numerous case studies that have analyzed the organizational and operational procedures of some of the more established fusion centers, identifying the attributes of those centers for consideration as best practices (Robertson, 2007, pp. 20–24; Forsyth, 2005; Miller, 2005; English, 2004).

One of the most notable publications is Fusion Center Guidelines: Guidelines for Establishing and Operating Fusion Centers at the Local, State, Tribal and Federal Level (USDOJ, Office of Justice Programs, 2006). The document was developed in a collaborative effort by the Department of Justice's Bureau of Justice Assistance and DHS to provide national guidance for the establishment and operation of fusion centers. The guidelines have been endorsed by the PM-ISE and numerous law enforcement organizations. While the guidelines offer a nationally consistent approach to the initial

implementation of a fusion center, use of the guidelines is strictly voluntary; they are geared towards the initial development of a center and are generic in nature (Rollins, 2008, p. 10).

Another notable publication is Baseline Capabilities for State and Major Urban Area Fusion Centers (USDHS & USDOJ, 2008), which serves as a supplement to the Fusion Center Guidelines. This document was published in September 2008 and provides guidance in two overarching areas, including fusion process capabilities and management and administrative capabilities (USDHS & USDOJ, 2008, p. 9). The cited capabilities address all aspects of the intelligence cycle (Figure 1), as well as management, information privacy protections, security, personnel and training, technology and physical infrastructure, and funding. While the baseline capabilities appear to address some of the issues currently plaguing fusion centers, others are left unaddressed. This document also appears to be somewhat generic in areas, similar to the Fusion Center Guidelines. For example, while this document speaks to the importance of developing a plan that documents the procedures and communication mechanisms for timely dissemination of intelligence products, examples of best practices are not offered. Instead, this document directs readers back to the guidelines for further suggestions. Despite some of the shortcomings, this document serves as a good roadmap for fusion center leadership.

4. Governmental Review and Assessment of Fusion Center Capabilities

There have been very few governmental reviews or assessments of fusion center capabilities at the state and federal levels. As previously noted, much of the focus has been on the initial implementation of fusion centers. In recent months, governmental review and assessment of fusion centers has increased, with the focus shifting from implementation to functional capabilities and the integration of a multitude of fusion centers into a cohesive national intelligence analysis and sharing network.

The most recent review was conducted by the Government Accountability Office (GAO), and presented before the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, Committee on Homeland Security and Governmental Affairs of the U.S. Senate on April 17, 2008. Testimony by Eileen R.

Larence, Director of Homeland Security Justice Issues discussed “the characteristics of state and local fusion centers as of September 2007 and the extent to which efforts under way by the PM-ISE, DHS and DOJ are helping to address some of the challenges identified by fusion centers” (Government Accountability Office [GAO], 2008, p. 2). Research by GAO found that the most widely cited challenges included access and management of a multitude of information-sharing systems, security clearances, training guidance, personnel retention, and funding (GAO, 2008, p. 8).

Figure 1. Intelligence Cycle

Just prior to the GAO report, the CRS released fusion center recommendations to Congress in January 2008 (Rollins, 2008). The review consisted of an evaluation of the current national strategies that address information sharing and an examination of the current models of fusion centers, their focus and capabilities, including interviews with national fusion center leadership to identify issues and problems faced by the centers. The final report identified several areas that have bearing on this thesis. Specifically, fusion centers are owned and operated by state and local governments with federal participation at varying degrees nationwide. There is a lack of standardized baseline capabilities for fusion centers, which creates a disparate level of capability and impedes the ability of the centers to share information, conduct analysis, or have a meaningful impact on counterterrorism efforts at the national level (Rollins, 2008, p. 1). The report outlines as a possible option for addressing these issues the drafting of a formal national fusion center strategy to outline the federal government's expectations for a national fusion center network (Rollins, 2008, p. 1).

In summation, a review of the literature associated with fusion centers shows that they have the potential to be a valuable link in the national counterterrorism effort by providing a system for information and intelligence sharing and analysis. Fusion centers are established and managed by individual state and local governments and are at different levels of development and capability. What is needed is a way to integrate the fusion centers into a nationally connected network. This is hindered by the lack of nationally accepted and trusted national capabilities standards and a compliance verification process for such a network. As such, it will be difficult for the federal government to dictate baseline capabilities, an enhanced capabilities standard, and the acceptance of such a strategy. Successful implementation can only be obtained with the buy-in of the local, state, and tribal governments and a continued fiscal commitment from the federal government (Rollins, 2008, p. 37). The establishment of baseline capabilities followed by an enhanced national capabilities standard that are enforced through a national accreditation process, constructed and implemented in a collaborative effort of local, state, and federal leadership, may be the answer.

5. Accreditation Programs

A wide array of accreditation processes are utilized by professional organizations within the United States. Many of these organizations have turned to accreditation in order to build or rebuild public confidence by demonstrating that the organization has met nationally recognized standards or best practices; to enhance professionalism and accountability; and to reduce liability. Accreditation allows the organization or discipline to stand out from other nonaccredited agencies (Duncan, 2010, p. 9). Accreditation processes are commonly based on achieving compliance with a discipline or organizationally accepted standard(s) based on recognized best practices. Compliance is voluntary and involves self-assessment by the discipline, followed by a confirmation of compliance involving a nongovernmental assessment conducted by recognized subject-matter experts from the accrediting entity. Accreditation is granted for a specific number of years before the organization is required to repeat the process for reaccreditation. During the accreditation period, the organization is required to submit annual reports demonstrating continued compliance with the accreditation standards. Obtaining accreditation provides public validation that the agency or organization is recognized by its peers for its high standards and that it is committed to continually improving the services it provides (Duncan, 2010, p. 9).

Accreditation of educational institutions in America was born out of the fact that there is no centralized authority exercising single national control over postsecondary educational institutions. States exercise some control; however, institutions of higher education are permitted to operate with considerable independence and autonomy. As a result, American educational institutions can vary widely in the character and quality of their programs (United States Department of Education [USDoE], 2010, p. 10). Universities developed an accreditation process as a means of conducting nongovernmental peer reviews that would confirm an institution's compliance with a baseline level of quality. The level of quality was defined through the development of a recognized national standard of best practices and accreditation granted by demonstrating voluntary compliance with the standard (USDoE, 2010, p. 10).

Literature also exists on nationally recognized accreditation programs for the disciplines of fire/emergency medical services, emergency management, public health, and law enforcement—those entities represented in many of the fusion centers nationwide. Interestingly, the first of these agencies to adopt accreditation was law enforcement over three decades ago, followed by fire in the 1980s, emergency management in the 1990s, and public health, which began the process in 2007 with a projected standard to be finalized by 2011. While homeland security priorities and initiatives designed to protect our interests in the homeland have vastly changed since the 1970s, 80s, and even the 90s, the features contained within these processes are nonetheless on point and could be applied in the development of a fusion center accreditation process. An in-depth analysis of the rationale for and development of the accreditation programs for these disciplines will be conducted in Chapter IV of this thesis.

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II. FUSION CENTERS: A LOOK AT THEIR HISTORY AND OUTSTANDING ISSUES

A. FUSION CENTER BACKGROUND

Although the term *fusion center* refers to post 9/11 intelligence centers charged with fusing a variety of subject matter information into actionable intelligence, elements of fusion center functions were present prior to the official development and implementation of these modern-day centers. The most common entities were police criminal intelligence units, which primarily focused on addressing traditional street crimes. Given the magnitude of the 9/11 disaster, a far throw from traditional street crime, the need for an expanded mission was understood, as was the important role of nontraditional actors—mainly state and local law enforcement—and the public and private sector in homeland defense and security. One criticism cited by the 9/11 Commission was failure of imagination. This was not failure in the sense of an inability or capability to predict unique scenarios; rather, the failure was a lack of initiative in bringing subject-matter experts together from a variety of disciplines to discuss possibilities and the lack of a multiagency approach to analyze information.

Today, there are approximately 50 primary and 22 designated fusion centers throughout the United States. Both primary and designated fusion centers share some similarities: they are comprised of two or more state or local agencies, receive some level of federal support, and agree to follow the fusion center guidelines. Primary centers however, differ in that they are designated by the governor, are managed and run by the state or the state's designee, are responsible for passing relevant homeland security information received from the federal government to other centers in the state, as well as to nonparticipating law enforcement agencies. Designated fusion centers, on the other hand, are managed and run by a nonfederal entity, are located in an Urban Area Security Initiative city—larger cities with abundant critical infrastructure—and agree to work in conjunction with the primary designated center (Johnson, 2010). Interestingly, while the push for the new fusion center concept came shortly after 9/11, when our nation was

feeling vulnerable, only nine were officially in existence around that time, and those were merely extensions of criminal intelligence centers. The remaining centers were initiated after 2004.

Four presumptions are consistently presented in support of fusion center vitality: 1) Intelligence and the intelligence process play a vital role in preventing terrorist attacks. 2) It is essential to fuse a broader range of data, including nontraditional source data, to create a more comprehensive threat picture. 3) State, local, and tribal law enforcement and public sector agencies are in a unique position to make observations and collect information that may be central to the assessment of threats. 4) Fusion activities at the subfederal level can benefit state and local communities, with possible national benefits as well (Rollins, 2008, pp. 3–4). Recently, national law enforcement executives have begun to recognize the improvement and relevance of fusion centers as the principal intelligence enterprise nodes to network state and local law enforcement, homeland security, and public safety entities to each other and the federal government. Furthermore, fusion centers are finding increased relevance among their state and local consumers (International Association of Chiefs of Police [IACP], 2008, p. 1).

The following research and recommendations are based on the premise that fusion centers are a vital part of our homeland defense and security efforts. The author will examine current fusion center operations, identify shortcomings, analyze the effectiveness of published baseline capabilities, and offer recommendations for ensuring sustained success.

B. FUSION CENTER CHARACTERISTICS

Research has shown that, while some similarities exist, fusion centers traditionally have not operated under a common framework. Rather, they come in a variety of shapes and sizes, often with differing missions. For example, some are located within state police facilities, while others are collocated with the Federal Bureau of Investigation (FBI), either attached to the Joint Terrorism Task Force (JTTF) or the Field Intelligence Group (FIG). Still others are joined with local law enforcement or a homeland security entity. Likewise, a few of the older fusion centers are solely focused on counterterrorism

whereas most others have adopted an all-crimes mission. All-crimes, however, does not mean the same thing to all centers. Cited in a report by the CRS in 2008, those centers that were considered "all-crimes" included some that "were concerned with any crime, large or small, petty or violent" (Rollins, 2008, p. 29). Others, however, "focused on large-scale, organized, and destabilizing crimes, to include the illicit drug trade, gangs, terrorism, and organized crime" (IACP, 2008, p. 22).

The all-hazards approach is yet another mission adopted by some fusion centers and, like all-crimes, has varying definitions. While Homeland Security Preparedness Directive 8 (HSPD-8) issued December 17, 2003, defined all-hazards as "preparedness for domestic terrorist attacks, major disasters, and other emergencies" (POTUS, 2003, p. 1), the all-hazards focus of fusion centers appears to have added mitigation and recovery as a critical part of their mission. The all-hazards definition is even further compounded as cited by CRS:

> For some, all-hazards suggests the fusion center is receiving and reviewing streams of incoming information (i.e., intelligence and information) from agencies dealing with all-hazards, to include law enforcement, fire departments, emergency management, public health, etc. To others, all hazards mean that representatives from the aforementioned array of public sectors are represented in the center and/or considered partners to its mission. At some centers, all-hazards denotes the entity's mission and scope—meaning the fusion center is responsible for preventing and help mitigating both man-made events and natural disasters. For others, "all-hazards" indicates both a pre-event prevention role as well as a post-event response, and possibly recovery, role. (IACP, 2008, p. 23)

Other inconsistent characteristics include a proactive versus reactive focus, operational versus analytical missions, and varying membership. While the overwhelming majority of fusion center leaders advocate a proactive stance, many centers continue to serve in a reactive capacity. Also, while the majority of fusion centers operate in an analytic capacity, some—usually those operated by police or investigative bureaus and largely staffed by law enforcement personnel—conduct investigations as well. Lastly, fusion centers vary in staff size and other agency partnership. In a recent review of fusion centers, staffing levels ranged from as few as five to as many as 80.

Likewise, only some of the centers included personnel from emergency management, fire, corrections, and/or transportation. During the preparation of the GAO report, DHS reported that it had deployed intelligence officers to 17 of 43 operational centers and were in the process of staffing eight additional centers. Today, intelligence officers are staffed in 50 fusion centers (Johnson, 2010) (Figure 2). Likewise, by mandate, the FBI assigned both agent and analytical personnel at the majority of the fusion centers in 2006 (GAO, 2008, p. 7). This, however, changed as the FBI implemented the Strategic Execution Team (SET) initiative throughout its field offices in 2007–2008. On implementation FBI analysts were removed from several of the centers to enhance FBI capabilities in support of SET, leaving only sporadic assistance in the form of liaison. Today, the FBI is working with DHS to restaff fusion centers; however, participation is on a case-by-case basis.

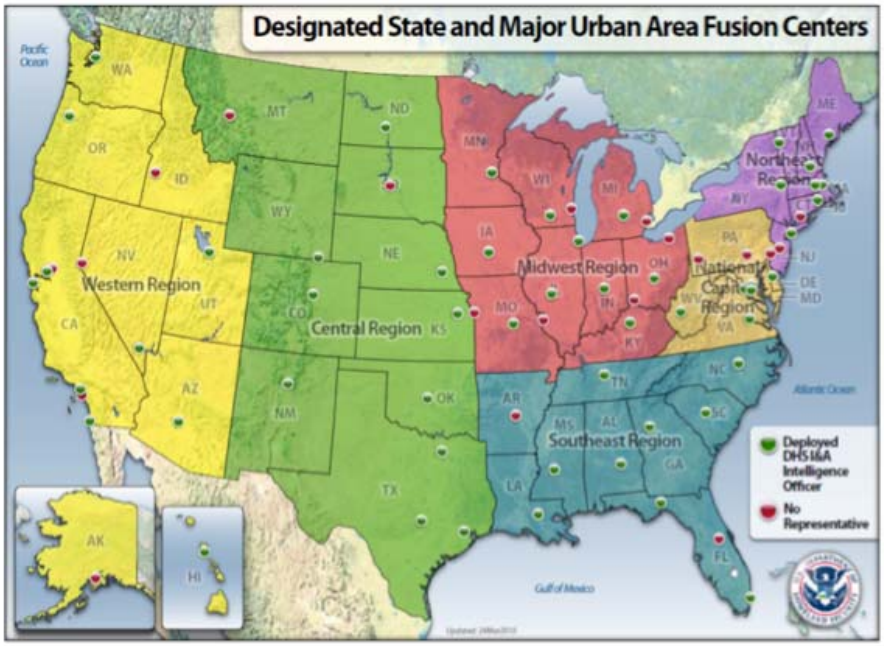

Figure 2. Designated State and Major Urban Area Fusion Centers

Despite their unique characteristics, the ultimate goal of fusion centers is to develop intelligence from diverse sources of information, including information from a variety of local, state, tribal, and federal law enforcement agencies, the national intelligence community (i.e., Central Intelligence Agency (CIA), Department of Defense

(DoD), etc.), as well as local, state, and federal non–law enforcement public safety agencies such as fire, health, emergency medical services, agriculture, and the private sector. The relevance of non–law enforcement intelligence is the primary difference between police intelligence centers and post 9/11 fusion centers. The goal of intelligence fusion is to provide strategic intelligence information to prevent and respond to man-made events such as terrorist attacks or other criminal events, and if all-hazards, mitigation, response, and recovery of natural disasters such as hurricanes, tornados, fires, and floods (USDHS, Homeland Security Advisory Council, 2005, p. 2).

Frequent debate surrounding the effectiveness of disparate fusion centers has ensued. Some argue that in order to ensure an effective and efficient mission, fusion centers must mirror each other in both structure and process. Others argue that a cookie-cutter approach is not recommended. Rather, states should be afforded the autonomy to configure their fusion centers in a manner best suited to address the current and emerging threats facing their area of responsibility. In a 2007 report published by the CRS, from a centralized federal perspective the lack of uniformity is viewed as a significant defect whereas, from the state and local perspective, fusion centers designed to fit the needs of a particular area of responsibility are preferred (Massee & Rollins, 2007, p. 3). Likewise, William A. Forsyth, Supervisory Special Agent of the FBI, writes:

> This chapter was originally titled, "Best Practices—Best Methods," however, for purposes of this paper the word "best" seems to have an insufficient meaning. The word best has relative meaning based on unique circumstances, events, and operational environments. Therefore, what is a "best method" for intelligence collection and sharing in Los Angeles might not be the best method in Atlanta. Atlanta and Los Angeles are both large metropolitan cities but they have dissimilar local crime and terrorism problems; each city requires a different approach to their specific crime issues. (Forsyth, 2005, p. 65)

State autonomy versus federal oversight is also a continuing concern, as most fusion centers are created out of legislative or executive mandates from state and local governments. They vary in mission because of functional necessity and the inherent nature of "local control" and "states' rights" perspectives (Carter, 2009, p. 8.10). There are different operational and functional models of law enforcement throughout the United

States. Fusion centers are no exception since they are an element of state or local government (Carter, 2009, p. 8.12). The sovereignty of the state, local, and tribal governments that own and operate fusion centers was recognized in the National Strategy for Information Sharing, and subsequently in the baseline operational standards called for within that strategy (USDHS & USDOJ, 2008, p. 2).

Likewise, some suggest that examples of best practices exist despite disparity, citing the fusion center guidelines as an example of good practices. Even so, there remains a concern over the lack of metrics by which success can be measured (Carter, 2009, p. 8.12). Therefore, any search for best-practice examples could not focus solely on structure, membership, and capability. Rather, the study must find a metric capable of measuring success in the form of achieved results—intelligence gaps identified and validated, threats mitigated, and the like. Since "right" is nebulous under these circumstances, identified issues will also have varying impact on each individual center.

Regardless of any final standard or metrics that may be identified, a few select features have been noted as critical to the immediate success of the national fusion enterprise. Those features were memorialized by fusion center directors and include the following: 1) the ability to receive classified and unclassified information from federal partners; 2) the ability to assess local implications of that threat information through the use of a formal risk assessment process; 3) the ability to further disseminate that threat information to other local, tribal, state, and private sector entities within their jurisdiction; and 4) the ability to gather locally generated information, aggregate it, analyze it, and share it with federal partners, as appropriate. According to a July 13, 2010 interview with an official from the Department of Homeland Security Fusion Center, the four critical supporting priorities for these operational capabilities include: 1) ensuring privacy and civil liberties protection; 2) communications and outreach; 3) sustainment; and 4) clearances. What individual fusion centers do in addition to these operational standards may be left to the discretion of each center. These standards, however, were only distributed as recently as September 2008. Accordingly, fusion centers should ensure compliance with these operational capabilities before adopting other individual roles and responsibilities.

C. FUSION CENTER GUIDELINES

Disparity in fusion center operations is the direct result of the implementation of an initiative without standard guidelines, more commonly known as the "ready, fire, aim" approach (Bellavita, 2008, p. 2). The lack of guidance regarding communication between fusion centers created an environment where minimal information exchange existed. In response and at the request of GLOBAL, CICC, a focus group was formed, known as the Law Enforcement Intelligence Fusion Center Focus Group (FCFG) (USDHS & USDOJ, 2006, p. 2). Simultaneously, a second group was in the process of "developing guidelines for local and state agencies in relation to the collection, analysis, and dissemination of terrorism-related intelligence (i.e., the fusion center process)." This group was known as the U.S. Department of Homeland Security's Homeland Security Advisory Council (HSAC) Intelligence and Information Sharing Working Group. The recommendations provided by both groups were memorialized in the first iteration of the fusion center guidelines, as well as in the HSAC's Intelligence and Information Sharing Initiative: Homeland Security Intelligence and Information Fusion report (USDHS & USDOJ, 2006, p. 2).

Realizing that more direction was needed, two additional groups were formed, known as the Public Safety Fusion Center Focus Group and the Private Sector Fusion Center Focus Group. "Participants in the three focus groups included experts and practitioners for local, state, and federal law enforcement agencies; public safety agencies; and the private sector as well as representatives from currently operating fusion centers" (USDHS & USDOJ, 2006, p. 2). Groups were also made up of national-level law enforcement, public, and private-sector organizations. The efforts of these groups resulted in the publication of the document, Fusion Center Guidelines: Developing and Sharing Information and Intelligence in a New Era. These guidelines are still in use today and were designed to provide the following:

> These guidelines should be used to ensure that fusion centers are established and operated consistently, resulting in enhanced coordination efforts, strengthened partnerships, and improved crime-fighting and antiterrorism capabilities. The guidelines and related materials will provide assistance to centers as they prioritize and address threats posed in

> their specific jurisdictions for all crime types, including terrorism. In addition, the guidelines will help administrators develop policies, manage resources, and evaluate services associated with the jurisdiction's fusion center.
>
> The guidelines should be used for homeland security, as well as all crimes and hazards. The full report contains an in-depth explanation of the guidelines and their key elements. Also, included in the report are additional resources, model policies, and tools for guideline implementation. (USDHS & USDOJ, 2006, p. 2)

The guidelines included 18 overarching tenets recommended for successful operation of fusion centers (Appendix).

An evaluation of the guidelines reveals that, while they are a step in the right direction, they are purely voluntary, and they do not provide direction on applying the recommended concepts. The guidelines were written relatively early in the development of the fusion center concept and focus on assisting the establishment of fusion centers, rather than on assisting already developed centers to become more effective and efficient. The continued disparity among fusion centers despite the guidelines is a clear indication that more leadership, metrics, and/or a governing entity responsible for ensuring compliance with minimum standards is needed.

D. SHORTCOMINGS AND GAPS

Shortcomings associated with fusion center operations come in a variety of forms. They concern day-to-day operations, capabilities, and more critically, the mission itself. While the overwhelming majority of fusion center leaders advocate a proactive stance, many continue to serve in a reactive capacity. Also, while the majority of fusion centers operate in an analytic capacity, some—usually those operated by police or investigative bureaus and largely staffed by law enforcement personnel—conduct investigations as well (Rollins, 2008, p. 23). Recent studies have found that fusion centers are involved in one or two steps of the intelligence cycle (Figure 1), but that none appears to have fully implemented the entire cycle. Failure to implement the entire intelligence cycle can be

attributed to many of the issues facing the fusion centers. Implementation of the intelligence cycle is a main focal point of the baseline capabilities document that will be analyzed in Chapter III.

Fusion centers continue to face challenges with regard to accessing relevant, actionable information and managing multiple and duplicative information systems, causing circular reporting of the same information, as well as with the overall management, collating, and vetting of information. Problems continue with obtaining federal security clearances, unclear guidance on training personnel, operational policies and procedures in regards to information sharing, obtaining and retaining personnel, and obtaining funding (GAO , 2008, p. 9).

The following is a partial list of shortcomings or gaps facing fusion centers, which will be discussed in further detail. While the cited issues are standalone issues, many are also interrelated and will be discussed in this capacity:

- Lack of strategic analysis and production;
- Lack of initiatives to identify indicators of emerging threats;
- Reactive versus proactive stance;
- Lack of standardized training;
- Lack of metrics;
- Inadequate staffing levels/lack of continuity;
- Funding;
- Lack of leadership buy-in/limited understanding of strategic mission;
- Limited outreach/lack of visibility;
- Information sharing;
- Need to know versus duty to share;
- Proprietary information;
- Protection of information—FOIA, sunshine laws;
- Lack of trust;

- Overclassification;
- Lack of statewide intelligence systems in many fusion centers;
- Competing federal and state information-sharing systems;
- Concerns regarding the potential for privacy and civil liberties violations.

1. Lack of Strategic Analysis and Production

On September 13, 2004, in his opening remarks to the Senate Governmental Affairs Committee on Intelligence Reform, then–U. S. Secretary of State Colin Powell provided his formula for intelligence success. Powell stated,

> Tell me what you know. Tell me what you don't know. And then, based on what you really know and what you really don't know, tell me what you think is most likely to happen. (Powell, 2004, p. 3)

Fusion centers were created to offer users contextual understanding of disparate pieces of information. One way of accomplishing this goal is through the production of products that assess the current environment and offer a long-term strategic analysis of risks that the state or jurisdiction might face in the future. Collecting intelligence and using it successfully is a critical element of crime prevention. Intelligence, however, comes in a variety of forms. Intelligence can be tactical, strategic, and/or predictive. It can also be delivered as general, current, historical, estimative, operational, or as warning intelligence. While all forms are important, studies have shown that fusion center analysis and production is generally tactical in nature (Rollins, 2008, p. 23). Tactical intelligence is essential in identifying trends and patterns in cases and specific operations. It also represents individual puzzle pieces necessary to complete the bigger picture. However, without strategic analysis—a look at broader trends—fusion is not occurring, and leadership will not have the information necessary to effectively predict and ultimately prevent threats.

In order to conduct comprehensive strategic analysis, synthesis of disparate data sources must occur. Without this synthesis of all available data, the overall picture of the issue or threat cannot be assessed; important information that would dictate the accurate analysis might be missed. To satisfy the requirements of intelligence success set out by

Secretary Powell, a product should be produced that takes the synthesized information, adds perspective and context, and suggests specific courses of action. Key findings should also be included, which may consist of the identification of new or emerging threats and/or vulnerabilities, new targets, and new tradecraft or methods of operation. Lastly, strategic assessments should provide pertinent details of relevant investigations and identify gaps in knowledge.

The initiation of a strategic threat assessment occurs in a variety of ways. An idea may be sparked from a single investigation that inspires an analyst to examine the bigger picture. An event overseas may cause an analyst to project the potential local impact. It may also begin with an understanding of the characteristics of the fusion center's area of responsibility, such as critical infrastructure, other industry, population and climate, and application of threat and/or crime indicators to those characteristics to determine current present threats, likely present threats, and potential threats based on domain characteristics (Gustafson, 2009). Regardless of the methodology used, strategic analysis should be a high priority for leadership since strategic insight is critical for a successful prevention mission.

2. Lack of Initiatives to Identify Indicators of Emerging Threats

Fusion centers that follow an intelligence-led policing mandate strive for the ability to identify threats before they come to fruition and need to develop an ability to identify logical inferences as to the pending development of such threats. As previously stated, without strategic analysis, leadership will not have the intelligence needed to make informed decisions for dismantling groups and preventing threats. While it is important to know what threats currently exist, it is equally important to understand what threats have the potential to emerge so that law enforcement and the public and private sector can be vigilant to indicators of those threats. For example, the United States is home to numerous gangs, both domestic and foreign operated. Using the example of an "all-crimes/all-hazards" fusion center, law enforcement and fusion center personnel may know what gangs operate in a particular area of responsibility, but it is possible that other gangs may emerge. Rather than waiting for law enforcement to report the presence of a

new gang, fusion centers should take the initiative and prepare products identifying gangs that may likely emerge due to proximity, culture, and/or characteristics of the area of responsibility, and include indicators of those gangs such as colors, graffiti, tattoos, criminal activity, and methods of operation (Gustafson, 2009). With this assistance from fusion centers, law enforcement would be in a better position to mitigate a threat as it emerges rather than wait until the threat becomes a systemic issue.

3. Reactive Versus Proactive

In the post 9/11 world law enforcement and the intelligence community can no longer afford to simply react after a terrorist attack occurs. The stakes are too high and the risk too great. The same logic applies to more traditional criminal threats—violent gangs or organized criminal enterprises that have no limitations due to jurisdictional boundaries (Carter, 2009, p. 8.10).

The ability of fusion centers to adopt a proactive approach to information analysis and sharing continues to be a concern. Studies of fusion centers have revealed that most are only involved in one or two aspects of the intelligence cycle (Figure 1), and "most continue to struggle with developing a 'true fusion process' which includes value added analysis of broad streams of intelligence, identification of gaps, and fulfillment of those gaps to prevent criminal and terrorist acts" (Rollins, 2008, p. 25). Rather, fusion centers have traditionally responded to requests for information from law enforcement agencies, followed up on tips generated by the public, and reviewed suspicious activity reports (SARS). In some cases, fusion centers have provided case support in whatever capacity requested (i.e., creation of link charts and timelines). Fusion centers have also traditionally facilitated communication between agencies. While helpful, these types of services deal with what is already known and will not assist in the identification of more sophisticated criminal enterprises and the emergence of threats.

4. Training

Appropriate training for fusion center leadership and analysts is a key component for the success of the fusion center mission. For leadership, it provides an understanding of the capabilities of fusion center staff and allows for the assignment of realistic goals and requests for products and information. For analysts and staff, it provides the skill levels and expertise to carry out the mission with sound products and services. The issue of training is placed here because it is not only an issue in and of itself at all levels—leadership, personnel, mission, and operation—but it may likely be the primary catalyst to the above three issues as well. In the April 2008 GAO report, the following was stated:

> Fusion center officials also cited challenges obtaining guidance and training. In particular, they cited the need for clearer and more specific guidance in a variety of areas, including standards for analyst training and information-sharing policies and procedures, to help address operational challenges. (GAO, 2008, p. 5)

Fusion center officials are concerned with the inability to identify and provide the training they need to be successful in a strategic prevention mission and have requested more guidance in this area. Analysts are not the only ones in need of standard training modules. Fusion center leaders and supervisors need training in a variety of aspects of fusion center operation as well. Given the disparity in fusion center missions, however, training cannot be delivered in a one-size-fits-all package. Rather, training should be tailored to include only those aspects relevant to each center (i.e., counterterrorism versus all-crimes versus all-hazards missions). Fusion center leaders agree that, regardless of mission, all fusion centers should share some inherent characteristics (i.e., ability to receive classified information; ability to assess local implications of threat reporting; ability to further disseminate information; ability to gather local information, analyze it and share it; ability to protect civil liberties) (USDHS & USDOJ, 2008, p. 8). Likewise, training should also be standard and required for all fusion center personnel. Without formal standardized training, fusion center leadership will likely continue as they do now,

searching for whatever training is available—most likely free or relatively inexpensive and not knowing whether it is good or bad—that appears consistent with the fusion center mission (Rollins, 2008, p. 61).

5. Lack of Metrics

The term *metrics* in this context refers to an evaluation process by which fusion centers can assess the value of their services and their overall mission success, based on the input of consumer agencies. Such an evaluation offers the opportunity to quickly make decisions, address identified issues, and build trust with consumers and peers (Farmer, 2010).

As previously indicated, disparity among the operations of fusion centers has resulted in a lack of metrics. While Goal #16 of the fusion center guidelines clearly indicates that leadership is aware of this issue, the guidelines only suggest that fusion centers define performance expectations and then develop measurements for those expectations. No recommendations are provided as to what those measurements would look like or what constitutes success. Metrics are not only important in gauging current success, but they encourage certain positive behaviors—motivation—and they inspire creativity and allow for continuous improvement (Segal, 2006, p. 1).

Not all performance can be measured using quantitative indicators. Rather, a qualitative approach must also be included (Segal, 2006, p. 1). For example, merely counting the number of intelligence products distributed by a fusion center does not, on its own, accurately measure success. While a greater number of products may be better, the quality of those products is even more essential. Quality is measured not only in terms of whether or not the product included analysis, gaps, and recommendations, but also whether the product was actually useful when measured against known gaps. Did the product help fill a gap, or did the product only address what was already known? Was the product useful to a select few, or did it add value to the overall intelligence community?

Was the product timely? Was the scope of the product local, regional, or national? Were new investigations initiated based on the product? Ultimately, how did the product contribute to the prevention and disruption of crime?

Some have argued that the way to encourage metrics is to tie funding to success. This option will be explored further in Chapters IV and V of this thesis.

6. Inadequate Staffing Levels/Lack of Continuity

Personnel issues come in many forms and result from a variety of circumstances. As previously mentioned, at least one fusion center is staffed with only five employees whereas others have up to 80. The most common reasons for this disparity include insufficient funding, lack of leadership buy-in or lack of understanding of the strategic mission, and limited outreach or lack of visibility.

Fusion centers are primarily funded through the Homeland Security Grant Program (HSGP) which is made up of the following five grant programs: 1) State Homeland Security Program; 2) Urban Area Security Initiative (UASI); 3) Law Enforcement Terrorism Prevention Program (LETPP); 4) Metropolitan Medical Response System (MMRS); and 5) Citizens Corp Program (CCP) (USDHS, Office of Grants and Training, 2007, p. 1). Assistance is also received through federal programs such as dedicated personnel provided by DHS and the FBI. Research has shown that, while funding is generally sufficient for daily operations, it is not enough to pay for experienced personnel, and it is not enough for leaders to offer promotions and incentives. An interview with leadership at one Midwestern fusion center revealed that the majority of employees at the center were recent college graduates and were using their employment with the fusion center as a stepping-stone to future opportunities since the fusion center did not have promotion potential. Leadership also voiced frustration with the inability to offer monetary incentives to those achieving high performance appraisals. Instead, leaders thought of other possible incentives, such as allowing the employee to work the shift of his choice, placing the employee in a team leader role, and/or offering different roles and responsibilities, such as strategic versus tactical, counterterrorism versus criminal, etc.

Continual employee turnover is expensive and can hinder an agency's ability to achieve success. Fusion center personnel are required to complete several training courses to help build their skills. Additionally, to become a subject-matter expert in a particular crime area, an employee must be exposed to relevant information and intelligence for many months and sometimes years depending on the sophistication of the crime area (i.e., terrorism). For analysts assigned in a cross-programmatic role, it may take several years to achieve the requisite knowledge and skills. It is through this expertise that analysts can begin to add significant value to raw intelligence, a critical need for intelligence consumers. Constant employee turnover will prevent employees from reaching this level. Current funding levels are already an issue despite the numerous programs supporting the mission, and it is probable that State Homeland Security Program and UASI funding will continue to decrease. Such decreases would cause states and major cities to reprioritize funding, enhancing the competition for fusion centers and other critical projects and initiatives (Rollins, 2008, p. 14–15). In order to ensure continued operation at acceptable levels, it is critical that leaders begin to develop funding contingencies now.

Lack of leadership buy-in and lack of mission understanding are additional issues that currently plague fusion center operations. Lack of buy-in can directly result from a reactive versus proactive mission, as well as from lack of skill sets necessary for value-added analysis, both of which can result from inadequate staffing. During a 2009 interview of the leadership of one consumer agency associated with a fusion center, it was stated that while fusion center products are a nice compilation of area issues, they do not tell leaders anything more than what they already knew. That being the case, according to one Midwestern law enforcement chief, agencies did not see the benefit to fusion centers other than the occasional records checks. Agency leadership did not know what fusion centers should or could offer. Rather, they could only cite those services that the individual agency benefited from. Without mission understanding and buy-in, leaders from consumer agencies will likely be reluctant to provide personnel resources to fusion centers, leaving fusion centers with only that which their budget can afford.

Limited outreach and lack of visibility are other issues that may impact fusion center personnel resources, as well as a fusion center's capability to provide comprehensive strategic analysis. Lack of outreach and visibility can come in the form of inadequate recruiting practices or through the lack of initiatives to attract a large consumer audience. Lack of recruiting efforts will naturally result in a reduction of known, interested, qualified candidates. Likewise, a smaller number of consumers or participants may denote fewer agencies with knowledge of the fusion center mission, thus fewer agencies willing to dedicate resources.

One method for fusion centers to increase center participation, value, and relevance is to expand their relationships with the private sector. While the majority of fusion centers profess the need for such interaction due to the risk and threat posed to critical infrastructure and key resources owned by the private sector, fusion centers are behind in building these partnerships (Rollins, 2008, p. 64). Most centers cite a lack of resources as the cause (Rollins, 2008, p. 65). Fusion center outreach and visibility remain issues. Without the public and private sector, fusion centers have limited their pool of potential resources, including personnel, and more importantly, they have limited their access to information that may be vital to the overall strategic threat picture.

7. Information Sharing

The main value of fusion centers is founded in the proposition that, by integrating various streams of information and intelligence between federal, state, local, and tribal law enforcement and the private sector, the centers will be able to identify threats and prevent harm to our communities. Information sharing is the cornerstone of this goal (Rollins, 2008, p. 1). While information sharing has improved significantly since 9/11, research on fusion centers indicates that a variety of issues continue to exist. Fusion center personnel have reported that they are not receiving relevant information needed to conduct strategic analysis. Concurrently, personnel have indicated that they receive too much information and are unable to manage the volume (GAO, 2008, p. 4). Also, while most agencies follow the "share by rule and withhold by exception" mantra, that usually only applies to inactive or closed-case material, as well as already publicly available

information. Intelligence associated with active investigations and proprietary information continues to be closely held for a variety of reasons including: lack of ability to physically secure the information (classified and/or sensitive material); inability to protect information from Freedom of Information Act (FOIA) requests and state sunshine laws; and lack of trust. Other cited hindrances to information sharing include overclassification of material at the federal level, lack of statewide intelligence systems in many fusion centers due to expense and buy-in, and competing federal and state information-sharing systems (Rollins, 2008, p. 28–29). Again, the core of intelligence is information. Without adequate information sharing, fusion centers will not receive all the relevant threat information necessary for a successful prevention mission.

8. Potential for Privacy and Civil Liberties Violations

> If incongruent past practices and erroneous assumptions are not eliminated from intelligence processes, the likelihood of success is diminished.
>
> –Dr. David L. Carter, Michigan State University

Fusion centers and the concept of a national fusion process have become the centerpiece of the United States strategy for the integration and sharing of intelligence and information among federal, state, local, and tribal law enforcement and the national intelligence community (Program Manager, Information Sharing Environment, 2006b, p. 7). As a result, fusion centers have been thrust into the national debate concerning the potential for the violation of civil liberties and potential infringement upon individual privacy. The American Civil Liberties Union (ACLU) has compared the national network of fusion centers to the creation of a new domestic intelligence agency with over 800,000 operatives in every American city and town, charged with collecting information on the everyday behaviors of citizens (German & Stanley, 2008, p. 1). Noting that fusion centers are relatively new and still in the developmental stages, the ACLU has emphasized to national and state policy makers that the centers often have ambiguous lines of authority and a diverse scope of mission; the inclusion of military and private-sector entities gives

rise to concerns over potential violations of privacy and civil liberties (German & Stanley, (2007, p. 2). Furthermore, the ACLU has highlighted for policy makers the nation's long history of domestic-intelligence abuses.

Throughout the history of domestic-intelligence gathering, law enforcement and the national intelligence community have experienced several eras that included actions and processes that violated the civil liberties of citizens. While fusion centers represent a modern innovative approach to intelligence sharing and analysis, they are simply the latest phase in the evolution of law enforcement intelligence, dating back to the early 1900s. There are lessons to be learned from a historical review of the intelligence evolution. The lessons of our past mistakes should not be forgotten but should serve as a warning as we move forward in the modern era of fusion centers. In September 2008, "Baseline Capabilities for State and Major Urban Area Fusion Centers" (USDHS & USDOJ, 2008) was published; it serves as an addendum to the "Fusion Center Guidelines" (USDHS & USDOJ, 2006). In the next chapter, the author will provide an overview of these baseline capabilities and will assess how they address some of the lingering issues.

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III. THE BASELINE CAPABILITIES FOR STATE AND MAJOR URBAN AREA FUSION CENTERS

A. OVERVIEW

The document "Baseline Capabilities for State and Major Urban Area Fusion Centers" (USDHS & USDOJ, 2008) was developed by a group of subject-matter experts in the disciplines of fusion centers and national intelligence; it was intended to serve as an addendum to the "Fusion Center Guidelines" (USDHS & USDOJ, 2006). The 2008 document was created to identify those standards that are necessary to achieve a baseline operational capability for each fusion center. The baseline capabilities also recognize the recommendations of issue or process-specific literature and refer to them as a means to assist fusion centers with the implementation of the baseline capabilities. These technical assistance documents and procedures are referred to throughout the capabilities document (USDHS & USDOJ, 2008, p. 5). The baseline capabilities were developed taking into consideration the uniqueness of mission or design that is required for centers, while holding firm to the principle that a common definition is needed for the development of an assessment and resource process to support the centers. While individuality is accepted, a baseline capability and overall mission concept was needed (USDHS & USDOJ, 2008, p. 8).

The baseline capabilities are broken down into two sections: fusion process capabilities and management and administrative capabilities (USDHS & USDOJ, 2008, p. 9). The capabilities deemed necessary to perform the steps of the intelligence cycle within a fusion center, outlined under fusion process capabilities, include:

- Planning and requirements development;
- Information gathering/collection and recognition of indicators and warnings;
- Processing and collation of information;

- Intelligence analysis and production;
- Intelligence/information dissemination;
- Reevaluation.

The baseline capabilities that enable the proper management and functioning of a fusion center, outlined under the management and administrative capabilities, include:

- Management/governance;
- Information privacy protections;
- Security;
- Personnel and training;
- Information technology/communications infrastructure, systems, equipment, facility, and physical infrastructure;
- Funding.

Recognition of the need for baseline capabilities was an important first step toward a successful national network of fusion centers, but recognition of a need must not be the sole determining factor for the success of the baseline capabilities initiative. Rather, baseline capabilities must add clarity and direction for fusion centers to follow in addressing associated problems. The following analysis will assess the impact that the baseline capabilities have on the problems identified in Chapter II.

B. BASELINE CAPABILITIES: FUSION PROCESS CAPABILITIES

As previously stated, studies of fusion centers reveal that most are only involved in one or two aspects of the intelligence cycle (Figure 1), and "most continue to struggle with developing a 'true fusion process' which includes value added analysis of broad streams of intelligence, in order to prevent criminal and terrorist acts" (Rollins, 2008, p. 25). It is for this reason, at least in part, that many of the previously identified gaps exist, including lack of strategic analysis and production, lack of initiatives to identify indicators of emerging threats, reactive versus proactive approach, disparity in partnerships, lack of buy-in or lack of mission understanding, lack of visibility, and

inadequate information sharing. Baseline capabilities appear to address these issues because the elements under fusion process capabilities are the steps within the intelligence cycle. The following will illustrate how these gaps are addressed:

1. Planning and Requirements Development

> The planning and requirements development stage "lays the foundation for the types of information that will be collected.
>
> - Guideline 1, Fusion Center Guidelines, p. 21

Planning and requirements development are the first two steps of the intelligence cycle (Figure 1). Planning refers to the management of the entire process, from identifying intelligence needs to distributing a product to intelligence consumers. The initial steps involve the implementation of plans to identify intelligence needs, also known as requirements or gaps in knowledge, and the development of procedures for satisfying those needs. Planning is also relevant at the end of the cycle since current and finished intelligence generates new requirements. Requirements are simply those questions that must be answered in order to safeguard our nation. Requirements can be relevant at the national level, such as the identities of terrorist group members in the United States, or they can be relevant at a regional or local level, such as funding methods of local street gangs. Intelligence needs will change as standing requirements are addressed and as new requirements emerge. As previously discussed, most fusion centers have adopted an "all-crimes/all-hazards" mission, based on national guidance and jurisdictional need and value. Requirements and planning have benefits regardless of the mission focus.

Under the planning and requirements development phase, baseline capabilities offer guidance in the following areas: intrastate coordination; risk assessment; information requirements; suspicious activity reporting; alert, warnings, and notifications; situational awareness reporting; data sources, coordination with response and recovery officials, coordination with private sector and critical infrastructure and key resources

information sharing; and exercises (USDHS & USDOJ, 2008, pp. 12–15). While specific guidance is provided under each of these categories, only a brief description is necessary to evaluate the impact.

Intrastate coordination is the process of identifying those responsible for each phase of the intelligence cycle—collection, processing, analyzing, and disseminating products within a fusion center's state or area of responsibility. This is not limited to primary or designated fusion centers. Rather, this includes any entity with an intelligence mission. Intrastate coordination also means having a plan to disseminate federally generated products and guidance as to who disseminates what and to whom (USDHS & USDOJ, 2008, p. 12).

Risk assessment is simply the ability to develop products that identify patterns and trends of current and potentially emerging threats. It is also the contribution of valuable information to others (USDHS & USDOJ, 2008, p. 13). For example, while a series of computer intrusions into a local family-owned manufacturing company may appear local in nature, states with similar industries may have experienced something similar or may become future victims of like activity. By providing this intelligence, others are made aware of the indicators and can alert industry and law enforcement as the threat emerges, possibly preventing future attacks or at least mitigating the impact of a successful attack. Operating in this capacity would assist in addressing issues of lack of strategic analysis and production, lack of initiatives to identify indicators of emerging threats, reactive versus proactive approach, and inadequate information sharing as it relates to nontechnical impediments. This process may also help overcome visibility issues since products would naturally be distributed to a wider audience. Likewise, as value-added products are released, leaders are more likely to feel the benefits of the fusion center process, resulting in elevated levels of buy-in and willingness to provide personnel resources. It is important to note, however, that while risk assessment is an element under the planning and requirements development phase, an adequate assessment cannot be conducted without proper implementation of the other phases of the intelligence cycle.

As previously discussed, information requirements are merely identified intelligence needs. The baseline capabilities recommend that information requirements be defined, documented, and updated regularly, consistent with the goals and objectives of the center's governance board. These information requirements need to be developed in coordination with the homeland security advisors of each state, as well as with other federal entities such as DHS and FBI, in order to ensure that the fusion center's collection requirements include federal needs as well (USDHS & USDOJ, 2008, p. 13). Without requirements, the intelligence cycle cannot be effectively implemented. A formalized process for identifying and communicating gaps will further assist in addressing the same issues outlined above.

The baseline capabilities also require that fusion centers develop and implement a plan to support the establishment of a process by which the fusion center can receive, process, document, analyze, and share content of suspicious activity reports (SARs). The Suspicious Activity Reporting Initiative is a national program designed to streamline a standard process for local law enforcement officers to identify, document, and push forward suspicious activity for analysis. The initiative is based on the understanding that officers are in the best position to recognize criminal activity, including activity that may be an indicator of terrorist planning. The SAR initiative provides training on terrorist indicators and provides a mechanism by which the information can be quickly reported to intelligence entities and fusion centers for analysis and action. It is based on an all-crimes approach, thereby expanding the value to law enforcement agencies and fusion centers (USDOJ, 2008, p. 1). The capabilities recommend a robust outreach program to educate first responders, public safety, private sector partners, and the public in recognizing the type of information to report (USDHS & USDOJ, 2008, p. 13). From these reports, and similar to the risk assessment process, trends and patterns of criminal activity can be identified and shared with the community, thus placing the fusion center in a more proactive position, capable of identifying and potentially preventing threats.

The baseline capabilities recommend similar steps in achieving the next two elements—alerts, warnings and notifications; and situational awareness reporting. Recommendations simply include the development of plans to ensure the receipt and

further dissemination of these types of information (USDHS & USDOJ, 2008, p. 14). Again, any increase in the dissemination of value-added information will assist in addressing cited issues.

Data sources are the next element under fusion process capabilities; it focuses on the ability to access and store data needed to conduct analysis consistent with the mission and threats. This element includes everything from ensuring the proper technology is in place to the physical infrastructure of the facility where data is stored. It also includes recommendations for developing plans for access to data sources (USDHS & USDOJ, 2008, p. 14). While the baseline capabilities do not provide an example of what a best practice plan may look like, it appears that leadership added this section as a technical means for addressing the above-cited issues.

The next two elements, 1) coordination with response and recovery officials and 2) coordination with private sector and critical infrastructure and key resources information sharing represent essentially a reiteration of previous elements, but at the emergency management, public and private-sector level. Both elements speak to aggressive outreach and developing plans and procedures for intelligence sharing where appropriate (USDHS & USDOJ, 2008, pp. 14–15). As this outreach occurs and as the various disciplines feel the added value, cited issues will deteriorate.

Lastly, the element of exercises includes recommendations for conducting and participating in tabletop and field exercises with all relevant players and utilizing all relevant capabilities so that participants can witness first hand the fusion process and the means by which fusion center leaders deploy resources (USDHS & USDOJ, 2008, p. 15). The concept of exercising has been around for decades and has served as a valuable tool in building trust and educating stakeholders. Since fusion centers face similar challenges, fusion center leaders should capitalize on this opportunity.

2. Information Gathering/Collection and Recognition of Indicators and Warnings

> The stage in which the planning and requirements development stage becomes operational … information is collected from various sources, including law enforcement agencies, public safety agencies, and the private sector. This stage is essential for fusion centers to be effective.
>
> - Guideline 1, Fusion Center Guidelines, p. 21

Information gathering/collection is the third step in the intelligence cycle, and consistent with its title, refers to the method by which raw information is collected against requirements. The elements under this phase include information gathering and reporting strategy, feedback mechanism, and the collection and storage of information. The following is a brief look at how these elements impact noted issues.

The elements are all interconnected and therefore can be discussed as one concept. Together the elements include the development of plans and procedures for tasking collectors, if authorized, to gather requirement-specific information consistent with privacy policies; plans outlining the process by which those tasked can transmit the information; plans for providing feedback and soliciting recommendations for an improved process; mechanisms for ensuring all activities comply with privacy policies; and guidelines for ensuring the proper storage and retention of information consistent with 28 CFR Part 23 (USDHS & USDOJ, 2008, p. 15). Along with storage and retention requirements, 28 CFR Part 23 also requires that a criminal predicate exist in order to collect and store the information and that an analyst or agent have a "right and need to know" the information being accessed (28 CFR Part 23). Collection is a particularly important function since a center cannot conduct strategic or predictive analysis if it does not receive the proper information. Understanding not only how to analyze information that is relevant to intelligence, but possessing the knowledge of what to collect and how to collect it is imperative. No analysis or adding of value can take place without a clear understanding of what is needed and a method to collect and then redistribute information and intelligence within the fusion center's domain. The baseline capabilities appear to contain those elements supportive of a successful collection process.

Under collection and storage of information, the baseline capabilities element also makes a special note suggesting that "fusion centers should reference the Commission on Accreditation for Law Enforcement Agencies (CALEA) Standard 51.1.1 regarding intelligence collection and the types of information to collect, methods for purging out-of-date or incorrect information, and procedures for the utilization of intelligence personnel and techniques" (USDHS & USDOJ, 2008, p. 15). This is important; in Chapters IV and V of this thesis, the author argues in support of a fusion center accreditation process using CALEA as a potential model.

3. Processing and Collation of Information

> Processing and collation involves evaluating the information's validity and reliability. Collation entails sorting, combining, categorizing, and arranging the data collected so relationships can be determined.
>
> - Guideline 1, Fusion Center Guidelines, p. 21

Within this phase, the baseline capabilities address the elements of information collation and levels of confidence. Aside from ensuring that the proper information is collected, processed, and stored, fusion centers should ensure that intelligence consumers are aware of confidence levels regarding the reliability and validity of the information (USDHS & USDOJ, 2008, p. 15). Common verbiage in the U.S. intelligence community includes statements as to the source's reliability and access such as, "derived from a reliable source with direct access," "derived from a source with indirect access whose reliability is unknown," and so on. This language is critical so that leaders can make an informed decision based on the probability that the information is true. While this phase alone does not cure the previously identified issues, it is an important step in the intelligence cycle and, together with the remaining steps, can assist in addressing those issues.

4. Intelligence Analysis and Production

> Analysis transforms the raw data into products that are useful.… the goal is to develop a report that connects information in a logical and meaningful manner to produce an intelligence report that contains valid

> judgments based on analyzed information.… One of goals of the fusion center during this stage is to identify trends or information that will prevent a terrorist attack or other criminal activity.
>
> - Guideline 1, Fusion Center Guidelines, pp. 20–21

As one of the more important steps in the intelligence cycle, this phase includes multiple elements, including the production of analytic products; fusion process management; enhancing analyst skills; information linking; strategic analysis services; open source analysis capability; analyst specialization; and analytical tools (USDHS & USDOJ, 2008, pp. 18-19) . As noted in Chapter II, fusion centers in general have not met the goals of providing strategic and predictive analysis. Instead, most have focused more on tactical or case/incident-specific intelligence, provided situational awareness, or have simply been forwarding already circulated information, often without any value-added analysis. Under this section, the baseline capabilities address these shortcomings by requiring that fusion centers develop, implement, and maintain a production plan that describes the type of analysis and products they will provide and outline the process by which fusion center management will vet and approve all such analysis and products to ensure that the fusion center is in compliance. The production plan should follow each step in the intelligence cycle, ensuring that there is value-added analysis of a strategic and predictive nature where applicable (USDHS & USDOJ, 2008, pp. 18–19). Furthermore, fusion centers should develop training plans to ensure that analysts obtain a skill set that allows for the development of strategic analysis for the jurisdiction that they serve. Analyst training and skills will be further addressed under the management and capabilities/personnel and training section.

5. Intelligence/Information Dissemination

> The process of effectively distributing analyzed intelligence utilizing certain protocols in the most appropriate format to those in need of the information to facilitate their accomplishment or organizational goals.
>
> - Definition of *dissemination*, Criminal Intelligence Glossary

Similar to previous phases, elements within the dissemination phase are interconnected and simply include developing plans to ensure dissemination of value-added products to the widest community, including customers within the center's area of responsibility, other fusion centers, and federal partners (USDHS & USDOJ, 2008, pp. 18–19). Dissemination is essentially the last step of the intelligence cycle. In some cases, finished intelligence will produce more requirements, thus continuing the cycle. Successful implementation of the intelligence cycle is the critical component necessary for addressing aforementioned issues. It may also have a positive impact on the amount of information not previously shared with fusion centers due to lack of trust and the nature of the information (i.e., proprietary and/or sensitive).

6. Reevaluation

> Reevaluation assesses current and new information, assists in developing an awareness of possible weak areas as well as potential threats, and strives to eliminate previously identified weaknesses that have been hardened as a result of the Fusion Process. Overall, this step provides an opportunity to review the performance or effectiveness of the fusion center's intelligence function.
>
> - Guideline 1, Fusion Center Guidelines, p. 20

The process of reevaluation is merely the continual review of finished intelligence to ascertain what gaps have been satisfied and what gaps remain and to identify new gaps (USDHS & USDOJ, 2008, p. 21). Where gaps remain and where new gaps arise, the intelligence cycle resumes. Any actions that continue the flow of information through the intelligence cycle will greatly assist in alleviating issues.

Given the areas that the baseline capabilities address, it is clear that leadership was not only aware of previously identified issues but appropriately prioritized those issues and attempted to address them through the publication of baseline capabilities. Under fusion process capabilities alone, at least 12 of the 19 issues identified in Chapter II were touched upon to some degree. The author will now examine Part II to establish the impact on the remaining issues including lack of standardized training; lack of metrics; funding; overclassification; lack of statewide intelligence systems; competing federal and state information-sharing systems; and ongoing concerns regarding the potential for privacy and civil liberties violations. Wherever appropriate, the author will also delineate the potential impact on those issues partially addressed in Part I.

C. BASELINE CAPABILITIES: MANAGEMENT AND ADMINISTRATIVE CAPABILITES

Part II of the baseline capabilities is geared towards creating a governance structure so that fusion centers will have the ability to prioritize and accomplish all aspects of their mission. The following provides an analysis of each phase under the management and administrative capabilities and the impact of each phase on issues cited in Chapter II.

1. Management Governance

> Fusion centers will have many demands placed on them, and it is important to have clear priorities.
>
> - Guideline 2, Fusion Center Guidelines, p. 23

> Establishing a governance structure creates a supported environment that frames the ability for the center to function and operate, assign tasks, allocate and manage resources, and develop and enforce policy.
>
> - Guideline 3, Fusion Center Guidelines, p. 25

The management governance stage must occur before a fusion center can operate. During this phase, the mission of the center is identified (i.e., all-crimes; all-hazards) and stakeholders within those disciplines form a governance responsible for defining the mission, establishing the leadership structure, and developing policies under which the

fusion center will operate. The elements under this phase discussed in the baseline capabilities include the governance structure, mission statement, collaborative environment, policies and procedures manual, center performance, and outreach (USDHS & USDOJ, 2008, pp. 23–26). Examination of this section reveals that the guidance provided is specific, measurable, and obtainable. While the various elements alone do not cure issues, research has shown that fusion centers with effective and efficient management structures face fewer issues than those centers not wholly in compliance.

The elements of center performance and outreach are important to note. Center performance states that "fusion centers shall define expectations, measure performance, and determine effectiveness of their operations" (USDHS & USDOJ, 2008, p. 26). Outreach states that "fusion centers shall establish a policy to govern official outreach and communications with leaders and policymakers, the public sector, the private sector, the media, and citizens and develop a plan to enhance awareness of the fusion center's purpose, mission, and functions" (USDHS & USDOJ, 2008, p. 26). In Chapter II, it was determined that lack of these two initiatives not only resulted in standalone issues—lack of metrics and limited outreach—but that this lack was a contributing factor in the majority of the remaining issues. The guidelines offer specific direction under the outreach element so that leaders are not left to interpret the intended meaning of each element. For example, one of the supporting guidelines suggests that "outreach efforts should include information about the center's privacy policy, the Fusion Process, and the types of information that should be reported to law enforcement or the fusion center and how to do so" (USDHS & USDOJ, 2008, p. 26). With this guidance, fusion center leaders can immediately collate the information needed and develop a plan for briefing the widest possible audience, whether individually or in a collective forum such as a public meeting.

Under center performance, however, the supporting objectives merely state the following:

- Develop outputs and outcomes that measure expected performance of identified mission, goals and objectives.
- Coordinate the development and review of measures and performance with participating agencies.
- Create internal measures pertaining to administrative matters and external measures to evaluate the performance of the Intelligence Cycle.
- Utilize participation in a regular cycle of exercises to evaluate capabilities and assess performance.

While helpful fusion centers historically have not fully implemented the intelligence cycle, nor do most have an understanding of what a truly valuable strategic product looks like. In Chapter II, the author makes recommendations as to what is needed for effective metrics. As seen above, however, the baseline capabilities do not do the same. Rather, they leave metrics to the discretion of fusion center leaders, assuming that leaders understand what right looks like so that they can measure success toward achieving that goal. However, baseline capabilities coupled with an accreditation process may assist in ensuring continual progress. The author explores this theory further in Chapters IV and V of this thesis.

2. Information Privacy Protections

Develop, publish, and adhere to a privacy and civil liberties policy.

- Guideline 8, Fusion Center Guidelines

> Protecting the rights of Americans is a core facet of our information sharing efforts. While we must zealously protect our Nation from the real and continuing threat of terrorist attacks, we must just as zealously protect the information privacy rights and other legal rights of Americans. With proper planning we can have both enhanced privacy protections and increased information sharing—and in fact, we must achieve this balance at all levels of government, in order to maintain the trust of the American people.
>
> - National Strategy for Information Sharing, p. 27

As previously stated, at its inception the very heart of the fusion center mission—intelligence—immediately placed fusion centers under the umbrella of entities continually scrutinized by citizens and civil liberties advocates. Accordingly, to discuss this issue here would not provide the attention that this subject demands and which would be best left for another thesis dedicated to this one issue. For the purposes of this thesis, however, the author conducted a cursory review of the elements under this section and found them to address the following areas:

- Establishment of a privacy official or privacy committee;
- Privacy policy development;
- Privacy protections policy;
- Privacy policy outreach;
- Privacy policy accountability.

Again, while these elements appear to cover the overarching methods by which agencies mitigate the potential for privacy and civil rights violations, given the critical nature of this issue, baseline capabilities must not alone serve as the means for assurance. Rather, other checks and balances must be strategically positioned. In meeting the privacy requirements of the baseline capabilities, fusion centers are referred to the

Information Sharing Environment Privacy Implementation Manual, which provides guidance and policy requirements for compliance (Program Manager, Information Sharing Environment, 2006b).

3. Security

> Ensure appropriate security measures are in place for the facility, data, and personnel.
>
> - Guideline 9, Fusion Center Guidelines

Security has the potential to touch many of the previously cited issues, such as improper level of clearances and inadequate transmission and storage capabilities. Without addressing these security issues, fusion centers will likely not receive the information needed to support the mission. A review of the guidelines reveals that the areas covered—security measures, security officer, securing information—sufficiently addressed the impacted issues both directly and indirectly. Specifically, the baseline capabilities require that fusion centers are able to appropriately receive, store, and handle as appropriate classified information from the federal intelligence agencies. Like metrics and civil liberties, given the critical role that security plays in fusion center operations, additional measures may be necessary to ensure quality.

4. Personnel and Training

> Achieve a diversified representation of personnel based on the needs and functions of the center.
>
> - Guideline 11, Fusion Center Guidelines

Two of the previously cited issues not yet addressed are inadequate staffing levels/lack of continuity and lack of standardized training. While the heading of this section suggests guidance in these areas, the author found that the details pertaining to personnel focused not on recruiting efforts and retention incentives, but on the required knowledge, skills, and abilities of fusion center staff, as well as on background checks associated with prospective personnel (USDHS & USDOJ, 2008, p. 32). Other problems deal directly with the need for strategic and value-added analysis and the training and

skill sets needed by analysts, supervisors, and executive leadership in order to deliver such products. The baseline capabilities clearly articulate the need for such requirements, and fusion center leadership is referred to several technical assistance documents, such as the International Association of Law Enforcement Intelligence Analysts (IALEIA) and GLOBAL's "Minimum Criminal Intelligence Training Standards for Law Enforcement and Other Criminal Justice Agencies in the United States" (USDOJ, 2007). This document provides perspective and guidance for the delivery of the intelligence training required at all of the aforementioned levels of fusion center membership. More recently, GLOBAL has released "Common Competencies for State, Local and Tribal Intelligence Analysts" (USDOJ, 2010). As a companion document to the baseline capabilities, this document outlines the common analytic competencies that fusion centers should strive to possess and details a training plan for obtaining these competencies. It outlines the need for critical thinking within the intelligence cycle and the specific skills or tradecraft needed by fusion center analysts.

5. Information Technology/Communications Infrastructure, Systems, Equipment, Facility, and Physical Infrastructure

Integrate technology, systems, and people.

- Guideline 10, Fusion Center Guidelines

A wide array of guidance is provided under this section including business processes relating to information technology, information exchange within the center, communications planning and contingency and continuity-of-operations plans (USDHS & USDOJ, 2008, p. 33). Previously identified problems include the lack of statewide intelligence systems in some fusion centers and competing federal and state information-sharing systems. As previously discussed, disparity in fusion center operations does provide several advantages. However, it can be problematic when individual states choose the communication systems under which their centers will operate since incompatible, competing systems hinder information sharing. Unless a consensus is reached and is codified in a nationally accepted standard, these issues will likely continue. In recognition of this problem, the baseline capabilities encourage fusion

centers to leverage systems currently available in order to maximize information sharing while planning for future connectivity to other federal, state, local, and tribal systems that are under development. In order to achieve compliance, the latest version of NIEM (National Information Exchange Model) is encouraged for all information-sharing systems utilized by fusion centers (USDHS & USDOJ, 2008, pp. 33–34). NIEM is a partnership between DOJ and DHS, with the goal, "to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency situations, as well as support the day-to-day operations of agencies throughout the nation (National Information Exchange Model). This is done via a common semantic understanding among participating organizations. Data is formatted in a semantically consistent manner resulting in a common data exchange protocol" (National Information Exchange Model, 2005).

6. Funding

> Establish and maintain the center based on funding availability and sustainability.
>
> - Guideline 17, Fusion Center Guidelines

The final element addressed within the baseline capabilities is the critical issue of funding, which includes guidance on the development of an investment strategy capable of achieving and sustaining baseline capabilities, with special emphasis on projected future costs. The supporting goals under investment strategy appear to address the funding concerns noted in Chapter II and state the following:

- Base funding on center priorities identified by center leadership;
- Identify capability gaps and develop an investment strategy and resource plan to achieve the baseline capabilities;
- Establish an operational budget;
- Leverage existing resources/funding from participating entities and identify supplemental funding sources;

- Ensure that resource commitment of participating entities is addressed in the Memorandum of Understanding;
- Identify return on investment for fusion center partners;
- Engage executive and legislative officials who have oversight and funding responsibilities, and provide routine briefings on the establishment, operations, and budgetary needs of the center;
- Ensure that the investment strategy is communicated to and coordinated with the state homeland security advisor (HSA) and State Administrative Agency (SAA) to ensure coordination and support of the state's homeland security strategy and any respective state and/or urban area grant program investment justification (USDHS & USDOJ, 2008, p. 34).

In the development of the fusion center investment strategy, leadership has the ability to address the recruitment and more importantly, the retention of tenured analysts and staff. While an investment strategy is needed, the funding of any such strategy is only successful if the funding is available. The current economic downturn has greatly impacted federal, state, and local general revenues with reductions felt nationwide. In order to be successful, fusion centers must demonstrate the value and critical nature of their programs to agency leadership, the public, and elected officials. A strategy for leveraging funds for fusion centers will be provided in Chapter V.

The baseline capabilities have addressed and offered corrective guidance for the majority of the problems previously identified. The baseline capabilities, along with the utilization of many of the technical guidance documents referred to within the capabilities, offer a preliminary roadmap for fusion centers in meeting the needs of the state, local, and tribal entities that they represent, while enhancing the safety and security of our nation as a whole.

There are several areas that, while not specifically addressed, are still enhanced by the baseline capabilities. Those areas include overclassification of information, distrust among centers, distrust between fusion centers and the national intelligence agencies, and distrust by the public. It is the author's contention that lack of trust is the overarching

impediment to the successful implementation of a nationally integrated network of fusion centers. The baseline capabilities can help provide a level of trust and professionalism by defining mission, process, protection of civil liberties, and the adherence to a nationally accepted level of capability or standard. An accreditation process would allow the nation's fusion centers to demonstrate compliance, while permitting the continued improvement of the baseline capabilities into a nationally recognized "standard of excellence." The benefits of accreditation for fusion centers will be explored in the following chapters.

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IV. ACCREDITATION MODELS UTILIZED BY PROFESSIONAL ORGANIZATIONS

National fusion center leaders continue to face many challenges as they attempt to implement the strategy of a nationally integrated network of state and major urban area fusion centers. Not only do all fusion centers need to have a trust in and understanding of the development and capabilities of the other fusion centers, they must create an environment in which intelligence can be securely shared among law enforcement and public safety agencies such as emergency management, departments of health, fire and emergency medical, as well as the private sector. Even more important is the need for the establishment of a level of trust and credibility in the eyes of the public, elected officials, and the national, state, local, and tribal government organizations who provide support as well as funding. Additionally, the sovereignty and needs of the individual state, local, and tribal governments that established the fusion centers must be recognized (USDHS & USDOJ, 2008, p. 2).

While these challenges may seem daunting at first glance, they are not much different from the challenges faced by other national and international professional disciplines. Emergency management, fire, health, and law enforcement have adopted professional accreditation processes in which voluntary compliance with accepted best practices and standards has been the accepted methodology for establishing professionalism, reduction of liability, and the instillation of pride and public trust. A review of the different accreditation models will demonstrate what the author contends is the next best practice for the enhancement of the baseline capabilities, present and future, as well as a nationally accepted and proven process by which to address many of the aforementioned difficulties faced by fusion center leadership.

A. THE COMMISSION ON FIRE ACCREDITATION INTERNATIONAL (CFAI)

The Commission on Fire Accreditation International (CFAI) was established in 1988 by the International Association of Fire Chiefs (IAFC) and the International City/County Managers Association (ICMA) (West, 2006, p. 2). The CFAI mission statement is as follows:

> CFAI is committed to assisting and improving fire and emergency service agencies around the world in achieving organizational and professional excellence through its strategic self-assessment model and accreditation process to provide continuous quality improvement and enhancement of service delivery to the community and the world at large. (Public Safety Excellence, n.d.1)

The accreditation model utilizes a self-assessment methodology based on best practices, established policies, and procedures. The self-assessment phase may take an agency one to five years to complete. A total of 244 performance indicators are evaluated of which 77 are considered critical and must be met (West, 2006, p. 4). These indicators and standards are not stagnant, but are constantly reevaluated and updated as new best practices and improved standards and processes are identified. Once the self-assessment phase is completed, an on-site assessment is conducted by recognized industry professionals. The on-site assessors confirm that the agency is in compliance with required standards and procedures. Once accredited, the certification will last five years before a reaccreditation assessment and on-site visit must occur (West, 2006, p. 4). The CFAI also offers a technical advisor program to assist agencies in their pursuit of international fire accreditation, acknowledging that many agencies are in need of additional resources and interaction to achieve success (Public Safety Excellence, n.d.2). This provides the opportunity for an agency seeking accreditation to have a subject-matter expert who is versed in the accreditation process to provide on-site consultation and assistance on how to implement the procedures to fit the individual needs of the agency, whether it is a smaller volunteer department or a larger metropolitan agency.

According to the CFAI, benefits to accreditation include, but are not limited to the following:

- Promoting excellence;
- Encouraging quality improvement through a continuous process of self-assessment;
- Providing assurance to peers and the public that the organization has defined missions and objectives that are appropriate for the jurisdiction it serves;
- Allowing for the development of a method to address deficiencies and build on organizational success;
- Creating a mechanism for developing concurrent documents, including strategic and program action plans;
- Creating a forum for communicating organizational priorities;
- Helping to achieve international recognition for a department by peers and the public;
- Fostering pride in the organization from department members, community leaders and citizens (West, 2006, p. 3).

As fire management consultant Gary West notes,

> In today's world of government where the focus is on re-inventing, re-engineering, rethinking and quality management, a department must continue to ask itself if there is value added by the actions it is taking within the organization. This process assists the fire service by asking questions to determine if the fire department is effective in meeting the needs of its community. (West, 2006, p. 3)

The self-assessment required by asking the above question is suited for any government agency, including the nation's fusion centers.

B. EMERGENCY MANAGEMENT ACCREDITATION PROGRAM (EMAP)

In 1997, during its mid-year conference, the National Emergency Management Association (NEMA) met to discuss the need for the development of nationally accepted standards and best practices for emergency management programs. An emergency

management program is defined as a jurisdiction-wide system that provides for the management and coordination of prevention, mitigation, preparedness, response, and recovery activities for all hazards. Such systems encompass all organizations, departments, entities, and individuals responsible for emergency management and homeland security (Emergency Management Accreditation Program [EMPA], 2009). As a result, the Emergency Management Accreditation Program (EMAP) was created. The mission of EMAP is defined as:

> An independent non-profit organization, that fosters excellence and accountability in emergency management and homeland security programs by establishing credible standards applied in a peer review accreditation process. (EMAP, 2009)

The goals for EMAP include expanding the utilization of EMAP resources, tools, and standards; strengthening and expanding collaboration with diverse partners and stakeholders; promotion and strengthening standards development; building and strengthening the relevance of EMAP; and marketing the value of emergency-management standards, assessment, and accreditation. EMAP is governed by a commission comprised of ten members, consisting of five representatives from NEMA and five representatives from the International Association of Emergency Managers (IAEM). These members serve a term of three years. The commission is responsible for the oversight of all subcommittees and final decisions concerning accreditation or reaccreditation of applicant programs (EMAP, 2009).

The EMAP accreditation standard (the emergency management standard) is based on 63 nationally agreed-upon standards developed by various emergency management organizations and subject-matter experts. These standards are built upon as newer, more relevant and successful processes are identified by a technical working group committee

within EMAP. Agencies seeking accreditation are assessed as to the successful implementation of these standards (EMAP, 2009). The emergency management standard covers the following agency areas:

- Program management;
- Administration and finance;
- Laws and authorities;
- Hazard identification, risk assessment, and consequence analysis;
- Hazard mitigation;
- Prevention and security;
- Planning;
- Incident management;
- Resource management and logistics;
- Mutual aid;
- Communications and warning;
- Operations and procedures;
- Facilities;
- Training;
- Exercises, evaluations, and corrective action;
- Crisis communications, public education, and information.

There are several steps that an agency applying or subscribing to EMAP for accreditation must follow. After subscription, the agency then conducts a self-assessment utilizing the EMAP assessment tool in order to validate compliance with the required standards or to identify and correct deficiencies. Agencies must provide justification for standards that they do not believe apply to them or for which compliance may not be possible due to the unique characteristics of the agency. Once the agency feels that it has successfully completed the self-assessment tool, the assessment is submitted to EMAP for review; the agency in effect is applying to continue to the on-site assessment phase. The assessment tool is then reviewed by EMAP personnel, who provide a list of noted deficiencies and suggestions to the agency to be addressed. Once the self-assessment is

accepted by EMAP, an on-site assessment team is sent to the agency to review all documentation proofs showing compliance. The final accreditation decision is made by the EMAP commission.

The commission can grant accreditation or conditional accreditation or can deny accreditation. The finding of conditional accreditation occurs in cases where the agency or program has only a few areas that are deficient in meeting the standards. An agency that is granted conditional accreditation must correct those deficiencies within nine months. Once accredited, agencies are required to maintain compliance and must file an annual report verifying compliance with the commission via the assessment tool that verifies compliance. Agency accreditation is good for five years before the reaccreditation process is required (EMAP, 2009). To date the EMAP commission has granted full accreditation to 23 states and four counties while four states and one city are under conditional accreditation status (EMAP, 2009). Private-sector businesses cannot be officially accredited, but EMAP does assist the private-sector organizations or individuals responsible for business emergency planning by providing access to the evaluation model, standards, and best practices.

The assessment process provides the agency or program with an unbiased review, a benchmark as to where it stands in comparison to national standards, and an identification of areas that need improvement. By achieving accreditation, an agency or program demonstrates its proficiency and compliance with nationally accepted standards to other emergency management programs, the citizens it serves, and its elected officials.

C. PUBLIC HEALTH ACCREDITATION BOARD (PHAB)

In 2007, public-health leaders recognized the need for and the value of public health accreditation and decided to implement a voluntary national accreditation program. This was based on the recognition that public-health departments play a key role in promoting and preserving the health of citizens in every community across the nation. Yet there had not been a national system for ensuring the accountability and quality of the services and program administration. Public health understood that such standards were needed as the country faced increased challenges from epidemics and

disaster preparedness requirements on a national and international scale (Public Health Accreditation Board, n.d.). They observed the value that accreditation had provided to other governmental service organizations and felt it important that a national standard be adopted to ensure the effectiveness and quality of services of public health. An accreditation exploratory steering committee was formed to assess the need and feasibility of a national accreditation process. The committee recommended that subject-matter expert working groups be appointed to develop a draft model for an accreditation process. The steering committee concluded that it was desirable and feasible to move forward with accreditation and identified the following objectives for the process (Accreditation Exploratory Steering Committee, 2006–2007, p. 5):

- Promote high performance and continuous quality improvement;
- Recognize high performers that meet nationally accepted standards of quality and improvement;
- Illustrate health department accountability to the public and policy makers;
- Increase the visibility and public awareness of governmental public health, leading to greater public trust and increased health department credibility, and ultimately a stronger constituency for public health funding and infrastructure;
- Clarify the public's expectations of state and local health departments.

As a result of the findings and recommendations of the accreditation exploratory steering committee, the Public Health Accreditation Board (PHAB) was created as a nonprofit organization. It is currently funded by the Centers for Disease Control and Prevention and the Robert J. Wood Foundation. It is envisioned that PHAB will be self-sustaining from nominal fees charged for accreditation once the process is fully implemented. The development of the PHAB and the national voluntary health

accreditation process has been supported by many of the leading professional organizations in the country, including (Public Health Accreditation Board):

- American Public Health Association (APHA);
- Centers for Disease Control and Prevention (CDC);
- Association of State and Territorial Health Officials (ASTHO);
- National Association of County and City Health Officials (NACCHO);
- National Association of Local Boards of Health (NALBOH);
- National Indian Health Board (NIHB);
- National Network of Public Health Institutes (NNPHI);
- Public Health Foundation (PHF);
- Robert Wood Johnson Foundation (RWJF).

While the development of the public health accreditation process is relatively new, it is projected that a national accreditation standard will be finalized by the year 2011 and will have reached the goal of having 60% of the U.S. population served by an accredited public health department by the year 2015 (Public Health Accreditation Board, n.d.).

As with any national accreditation process, the use of a nationally accepted standard made up of discipline-specific best practices, policies, and procedures with which agencies can compare themselves is key. Since public health is relatively new to the formation of an accreditation process, the methodology by which its standards are being developed is particularly relevant to national fusion center leaders faced with the development of a baseline standard for a national fusion center network. Following up on the recommendations of the steering committee, it was decided that standards were needed to promote quality and improve performance and to address process, capacity, and indicators of outcomes—outcomes that could reasonably be influenced by health departments.

Existing and recognized best practices and standards of other national organizations were also considered, increasing the ability to obtain national acceptance. It was also recognized that the level of performance that the standards were required to

demonstrate was critical to the success of the accreditation process. The standards needed to allow for the demonstration of a performance level by an accredited department that would indicate to the public that a "gold standard" had been achieved. A mechanism for quality improvement and updates had to be accepted in order to challenge accredited departments to work toward achieving higher levels of performance. If standards were set too low simply to ensure that most departments could easily obtain accreditation, an opportunity would be missed to ensure that accreditation would be "a catalyst in strengthening the nation's public health infrastructure" (Accreditation Exploratory Steering Committee, 2006–2007). It was agreed that a moderate level of performance should be the benchmark, with the understanding that a mechanism for quality improvement would be built into the process (Accreditation Exploratory Steering Committee, 2006–2007).

The PHAB established the Standards Development Workgroup to develop specific standards. Through a process of recommendation by subject-matter experts and public vetting, feedback and adjustment, the working group developed the standards, procedures, and measures by which the agencies would be assessed. During the vetting process, the working group received over 4,000 individual comments, surveys, and feedback assessments, which were reviewed and incorporated into the process. These standards were field tested during beta testing to ensure value and to identify various scales and weighting formulas. Programs will not be expected to comply with all of the standards depending on the size and specific characteristics of the program, but a set of critical standards will be identified and those will be mandatory for all programs (Public Health Accreditation Board, n.d.).

The accreditation process will require a self-assessment phase followed by an on-site assessment by subject-matter experts in order to ensure compliance. A recommendation as to accreditation will then be made to the PHAB board, who will decide accreditation status. The board can issue a certificate of accreditation, a conditional accreditation, which will allow an agency with deficiencies in only a few areas to come into compliance. at which time the agency would gain full accreditation, or a ruling that an agency is not accredited.

The PHAB, following up on the accreditation steering committee's recommendation, has provided incentives for agencies that seek and obtain accreditation. The incentives reinforce the importance of a health department's seeking accreditation and achieving high standards. Some of the prospective incentives include (Public Health Accreditation Board, n.d.):

- Financial incentives for accredited agencies and those seeking accreditation;
- Grant administration;
- Grant application;
- Infrastructure and quality improvement;
- Technical assistance and training.

The public-health community faced similar challenges to those of national fusion center leaders. The development of a national accreditation standard and process involved the input and consensus of multiple national, state, local, and tribal entities as well as the private sector. Their process for obtaining such consensus, including the offering of incentives such as financial benefit, grant application, and administration for agencies that seek and obtain accreditation, may be of benefit for fusion centers as they attempt to implement the baseline minimum capabilities or any future nationally accepted standards.

D. COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)

The roots for accreditation in law enforcement can be traced back to the civil unrest that America faced in the 1960s and early 1970s. Many cities experienced large-scale riots with loss of life and extensive property damage while the police appeared to be ill prepared for dealing with such events. The public trust in law enforcement was strained as the public viewed the police as undertrained, unprofessional, and unwilling to learn from their past mistakes. Police policies were for the most part poorly written or sometimes nonexistent, and agency hiring practices were often discriminatory. Abuses of constitutional rights were often seen in the news, and the lack of professionalism and accountability became a topic of national discussion (CALEA, 2007, p. 1-1). In order to

address these issues, DOJ provided a grant to the four leading law enforcement associations, the IACP, the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriff's Association (NSA), and the Police Executive Research Forum (PERF). It should be noted that these associations still provide significant leadership for modern law enforcement and were involved with the crafting of the intelligence-led policing strategy that is one of the founding principles of the current national fusion center doctrine. As a result of their efforts, it was recommended that a national standard for law enforcement was needed, as well as a methodology to provide law enforcement leadership with the means to voluntarily improve the professionalism and accountability of their agencies. In so doing, the goal was that public safety agencies would increase their ability to maintain law and order, agency effectiveness and efficiency, and cooperation with other agencies, and would provide the citizens and agency employees with confidence in the abilities, objectives, goals, and practices of the law enforcement profession (CALEA, 2007, p. 1-2).

The Commission for Law Enforcement Accreditation was created as a private, nonprofit organization in 1979 (CALEA, 2007, p. 1-2). The purpose and mission of CALEA is:

> To improve the delivery of public safety services, primarily by maintaining a body of standards developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives, establishing and administering an accreditation process and recognizing professional excellence (CALEA, 2007, p. 1-2).

In order to achieve its mission, CALEA has identified the following goals (CALEA, 2007, p. 1-2):

- Strengthen crime prevention and control capabilities;
- Formalize essential management procedures;
- Establish fair and non-discriminatory personnel practices;
- Improve service delivery;
- Solidify interagency cooperation and coordination;
- Increase community and staff confidence in the agency.

CALEA is governed by a commission of 21 members; 11 members are from the law enforcement discipline while the remaining ten come from other public sector disciplines and the private sector. The commissioners are representative of international, national, state, and local law enforcement and public-safety agencies as well as business, academia, judicial, and state and local non–law enforcement government. The commission oversees all standing committees and the development and approval of standards and credentialing (CALEA, 2007, p. 2-1).

In order to become accredited, an agency must apply for accreditation and then conduct a self-assessment based on the recognized CALEA standards. These standards were developed and agreed upon by subject matter experts and the CALEA commission; they are subject to ongoing review and revision by the Standards Review and Interpretation Committee of CALEA. The CALEA standards are internationally recognized as benchmarks for modern public-safety agencies (CALEA, 2007, p. 1-3). The applicability of a standard to an agency is determined by the agency size and function; certain core samples are designated as mandatory for compliance by all accredited agencies. An agency has 36 months in which to complete the self-assessment phase and schedule an on-site assessment. During the self-assessment phase, the agency must work towards complying with the applicable standards, developing proofs of compliance and preparing for the on-site assessment. A CALEA program manager is available to assist the agency with any questions concerning applicability or definition of standards (CALEA, 2007, p. 3-2).

Once the agency has completed the self-assessment and the CALEA program manager concurs, an on-site assessment is conducted by CALEA assessors to ensure that the agency is in compliance with all applicable standards. Prior to arrival at the agency, the assessors review compliance files previously requested of the agency. During the on-site visit the assessors conduct a tour of the agency, perform on-site policy and compliance file reviews, interact with and interview agency personnel, seek public input and comment, and then conduct an exit interview with executive leadership (CALEA, 2007, p. 3-3). A report containing findings and recommendations is then submitted to the

CALEA commission for the credentialing determination. The CALEA commission issues a determination concerning the accreditation of the agency using one of the following findings (CALEA, 2007, p. 3-4):

- Accredited—The agency is in full compliance with all applicable mandatory standards and with the required percentage of applicable other-than-mandatory standards.
- Accredited with Conditions—The agency is designated as accredited but requires that the agency take specified measures or precautions, within specific time-limits, to cope with current or anticipated events or conditions threatening or preventing compliance.

Once an agency receives accreditation, the credential is good for three years before a reaccreditation application and process must occur. This process includes a self-assessment and on-site assessment, and the agency must demonstrate that it has been in compliance with the required standards for the three years it was accredited. Agencies are required to submit an annual agency accreditation report, as well as reports concerning non-compliance issues and changes in agency personnel (CALEA, 2007, p. 7-1). The CALEA commission can return the following decisions concerning reaccreditation of an agency or suspension of an agency while accreditation is current (CALEA, 2007, p. 3-4):

- Accredited—Same as previously defined.
- Accreditation suspended—Suspension is a temporary action regarding the accreditation status of an agency until a final decision is made by the commission. The suspension is for a specific length of time, on a case by case basis.
- Accreditation revoked—The commission designates the agency as no longer accredited.
- Accreditation deferred—The accreditation decision is postponed; the agency maintains its current accreditation status pending a decision.

Through compliance with a recognized set of standards, a law enforcement agency can improve its accountability to the public and community leadership, make fact-based decisions regarding the needs and future direction of the agency, and limit the agency's risk exposure.

E. THE BENEFITS OF ACCREDITATION FOR FUSION CENTERS

A review of the accreditation process for the disciplines of fire, emergency management, public health, and law enforcement was conducted because of their interrelationship with fusion centers, as well as the similarity of their problems and the rationale and process for establishing a nationally recognized standard. Each of these disciplines is a member or liaison to the nation's fusion centers. Their executive leadership has an understanding of accreditation and thereby has a unique perspective on the need for and the benefit of the process. This should lead to easier acceptance and compliance with a national accreditation standard for fusion centers.

The problems and rationale that led to the development of national accreditation standards were similar for the aforementioned disciplines and are the same as those now facing our nation's fusion centers. Many of those disciplines recognized the need for the overarching establishment or reestablishment of trust, both within their own agencies, the discipline as a whole, and among the citizenry and government leaders that they serve. Every one of the accreditation mission statements, goals of the process, and listed benefits contains a statement addressing the need for the enhancement of trust. Law enforcement, the discipline most closely to fusion centers, can directly tie its development of a national standard to failed public trust and lack of professionalism. Though slow to learn from past mistakes, CALEA was formed to regain that lost trust and to finally address those mistakes.

The same circumstances apply to the intelligence fusion efforts of today. As discussed in Chapter II, fusion centers have been thrust into the national debate concerning potential violations of civil liberties and potential infringements on individual privacy. National fusion center leaders have gone to great lengths to address these issues

in the development of baseline capabilities. The creation of an accreditation process, a nationally recognized methodology, would go a long way toward gaining public trust for fusion centers.

Two additional reasons support the rationale behind the development of a national standard through accreditation—the establishment and enhancement of professionalism and accountability. Both are also key steps to the overarching goal of trust. Current accreditation standards help to ensure that, through nationally established standards, each agency is utilizing best practices and nationally recognized policies and procedures that instill professionalism within the individual agency and the discipline as a whole. The requirement of a process of accountability ensures that the agencies are enforcing the standards and not simply rendering "lip service" to the process. Compliance with the national standards allows the agency to verify its members' compliance, while the accreditation process allows an independent verification of compliance for the entire accreditation community.

A fourth benefit of the accreditation standard is the reduction of liability for the agency or program. Through the utilization of nationally recognized best practices, policies, and procedures, an agency can limit its liability. In a recent study of the impact of the implementation of CALEA accreditation on internal-affairs complaints and civil lawsuits of a particular state law enforcement agency, the data showed that once the agency had implemented and enforced the policies and procedures of the national standards, internal-affairs investigations declined by 40% and appeals of disciplinary decisions of the agency by its officers by 75% (Duncan, 2010, p. 25). The study also reviewed the number of closed claims against the agency for a period of time prior to adoption of the national standards and for a period of time after. A closed claim was defined as the disposition of a lawsuit where a person has sued the agency and received a monetary settlement because the agency was deemed liable. The study showed that closed claims decreased by 27%, and the average dollar amount of settlements had declined by 55% (Duncan, 2010, pp. 28–29).

Fusion centers share issues similar to those that fire, emergency management, public health, and law enforcement entities have faced. Those disciplines sought the

accreditation process to help alleviate issues, as well as to ensure continuity and success. Accreditation may be the key to the future success of fusion centers. In the next chapter, the author will explore how fusion centers may benefit from an accreditation process and will provide a recommended accreditation model for a national network of fusion centers.

V. RECOMMENDATIONS

In 2007, a group of fusion center experts were brought together to form a baseline capabilities working group. The goal of the working group was to identify and develop the baseline capabilities that a fusion center would need in order to be successful. Once crafted, the draft baseline capabilities were tested by utilization of the initial capabilities for the 2007 Fusion Center Assessment and as part of the 2008 Homeland Security Grant Program Fusion Center Capability Planning Tool (USDHS & USDOJ, 2008, p. 5). The draft baseline capabilities were presented to national fusion center leaders for comment. Approximately 140 comments and questions were received, of which 75% were adopted or addressed in the final capabilities document (USDHS & USDOJ, 2008, p. 5). The final list of capabilities has been accepted and released as an addendum to the Fusion Center Guidelines. The specific assessment of the baseline capabilities has already been conducted in Chapter III of this thesis. It is estimated that it could take three to five years for a center to gain compliance. The capabilities also take into account the needs and unique characteristics of individual centers. The working group agreed that the application of the capabilities will vary depending on the structure of individual centers, but it held that a common definition of what constitutes a fusion center is needed in order to support the development and implementation of an assessment and resource process that will support the centers (USDHS & USDOJ, 2008, p. 8).

A. BASELINE CAPABILITIES ASSESSMENT AND VALIDATION

The goal is to obtain voluntary implementation of the baseline capabilities among the 50 primary centers and the 22 designated centers by the end of 2010. In order to measure implementation, the national fusion center leaders have undertaken the first national, in-depth assessment of fusion centers as to their implementation of the baseline capabilities. The information gained from the assessment will be utilized to identify gaps in capabilities at individual centers, as well as across the national integrated fusion center network, from which a strategic plan can be developed to provide for better integration of the centers and the federal government in the information-sharing environment. The

initial assessment will focus on the four critical operational capabilities that were identified by fusion center directors during the 2010 National Fusion Center Conference (USDOJ, Global Justice Information Sharing Initiatives, 2010). The critical operational capabilities were previously identified in Chapter II of this thesis. The assessment involves the following two phases:

- Online assessment—Designated fusion centers complete an online self assessment derived from the baseline capabilities;
- On-site validation—Teams of federal, state, and local fusion center subject-matter experts conduct on-site validation assessments at designated fusion centers.

Once the online self-assessment is completed, it is submitted to DHS for review. An on-site assessment team is assigned, which reviews the self-assessment and formulates questions for the on-site visit. These questions are submitted to the center in advance of the visit to allow the center to prepare. Currently, a team of three members is assigned to the on-site visit, normally consisting of a state or local fusion center director as the team leader and representatives from the FBI and DHS. During the on-site visit, the team reviews the center's implementation of the baseline capabilities as it relates to the four critical operational issues. The team offers feedback to the center and may advise it of methods and practices used by other centers that may be of value. The assessment team members are also able to identify and learn from the best practices of the centers being assessed. A cross-pollination of information, ideas, and best practices occurs. At the completion of the on-site visit, a report is filed with DHS. The goal of this assessment strategy is:

> To assist fusion centers in more quickly achieving their critical role as the primary focal points within the state and local environment for the receipt and sharing of homeland security-related information, in partnership with the Federal Government. (USDOJ, Global Justice Information Sharing Initiatives, 2010, p. 2)

From the assessments, mitigation plans addressing the ability to meet the critical operational capability requirements with current resources, as well as the identification of resources needed to meet the baseline capabilities will be developed (USDOJ, Global Justice Information Sharing Initiatives, 2010, p. 2).

Compliance with the baseline capabilities is not mandatory, and the assessment process is not meant as an accreditation or certification of compliance. However, all of the 50 primary centers and 22 designated centers are voluntarily moving towards implementation of the baseline capabilities. As of July 15, 2010, according to an interview with an official from the Department of Homeland Security Fusion Center, 68 of the 72 national fusion centers had completed the self-assessment and were awaiting the completion of the on-site assessment. The remaining four centers were in the process of completing the self-assessment or awaiting the formal primary designation from their state, at which time they have indicated that they will begin the assessment process. Twenty-four fusion centers have completed the on-site assessment, with the remaining centers waiting to schedule the visit. The on-site assessments began in June 2010 and are progressing with additional on-site visits weekly.

While the initial assessment does not address compliance with all the baseline capabilities, it does address the most critical areas. Whether or not a plan exists to complete the validation and implementation of all the baseline capabilities is unclear. The overall approach to development and implementation of the baseline capabilities has garnered ownership and acceptance of the guidelines and has offered the opportunity to test and assess the capabilities within the fusion center network. This will allow for further adjustment or enhancement as needed.

In furtherance of the development of fusion centers, DOJ, DHS, and the PM-ISE offer a robust technical-assistance program. The purpose of this program is to assist fusion centers with the development of a governance and organizational structure; concept of operations development; privacy policy and civil liberties protection implementation; and administration and management best practices. The program also offers training on state and local anti-terrorism methods, criminal intelligence, 28 CFR

Part 23 compliance practices, and information sharing models utilizing NIEM. The technical assistance provides fusion centers with a model for obtaining nationally recognized consistency and best practices, as well as allowing for the implementation of policies that are in compliance with federal law (Program Manager, Information Sharing Environment, 2009, p. 1). The baseline capabilities, validation process, and the technical assistance program represent an excellent starting point for the future implementation of a national fusion center accreditation program.

B. RECOMMENDATIONS FOR THE DEVELOPMENT OF A NATIONAL FUSION CENTER ACCREDITATION PROGRAM

Due to years of work by federal, state, local, and tribal fusion center leaders, all of the pieces required for the implementation of a national fusion center accreditation program are in place. Some of the steps taken in other successful public-safety accreditation programs have already been utilized by the nation's fusion centers and DHS in the development of the baseline capabilities and their current validation methods. The following is a draft model for a recommended national fusion center accreditation program (FCAP). The recommended model is not based on new thought but is an adaptation of smart practices gleaned from the other accreditation models. The author offers it as a starting point to be considered and adjusted to fit the specificity deemed appropriate by national fusion center leaders.

1. Accrediting Entity

The two organizations best suited for the oversight of a fusion center accreditation process are the recently established National Fusion Center Association (NFCA) and DHS's National Fusion Center Program Management Office (NFC-PMO). The NFCA is a nonprofit organization made up of state and local fusion center directors from across the country. The purpose of the NFCA is "to provide an independent forum for local, state, and tribal fusion centers to identify common issues and collectively arrive at solutions to address these issues." The NFCA is committed to providing support for the development

of effective fusion center policy. Furthermore, the association recognizes the value of the Fusion Center Guidelines and the Baseline Capabilities for State and Major Urban Area Fusion Centers (National Fusion Center Association [NFCA], 2009, p. 2).

The NFC-PMO was created at the direction of the White House to coordinate federal support of a national network of fusion centers (Brennan, 2009). The main objective of the NFC-PMO is to assist fusion centers with the development and implementation of the baseline capabilities, and thereby obtain access to federal information sharing, and to coordinate and improve federal support of fusion centers. According to an interview in 2010 with an official of the U.S. Department of Homeland Security, the overall goal of the NFC-PMO is to successfully integrate the national network of fusion centers with the federal information-sharing entities. The two organizations represent the federal members and the state, local, and tribal interests of fusion center leadership and together are responsible for implementation of the national fusion center strategies. It is recommended that the two entities form a new, nonprofit organization or program responsible for the implementation of a national fusion center accreditation process, i.e., the FCAP. FCAP should be a recognized, legal entity and a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code. While the accreditation process could be established within one of the two aforementioned organizations, a separate and independent entity would provide the impartiality and objectivity needed to bolster trust with the public and governmental leaders and to remove the appearance of federal government encroachment on state sovereignty that is always of concern. Input and guidance from NFCA and NFC-PMO would still be needed to ensure that FCAP addresses all required national strategy and legal mandates. However, a separate accreditation entity would help ensure that no single organization dominates the process, eliminating any appearance of a conflict of interest. This approach is an accepted practice in national and international accreditation programs. FCAP should seek grant funds to cover the cost of managing the administrative duties of the process. If grants are not available or opportunities dissipate, then FCAP should be authorized to charge nominal fees to cover the associated costs.

Recognition and confirmation of the FCAP should also be obtained from GLOBAL, Congress, and other national organizations such as the National Governor's Association (NGA), HSAC, IACP, and NSA. This list of organizations is not meant to be inclusive but simply a guide. The approval of other organizations may be needed as deemed appropriate by the NFAP governance board or commission once it is established. The rationale behind obtaining the approval of the above organizations is to establish credibility and acceptance of the accreditation program.

2. Governing Board or Commission

The FCAP should have a governing board or commission that obtains incorporated status, develops bylaws, and appoints and maintains staff. The responsibilities of the board or commission should include but not be limited to the following duties:

- Oversight of all administrative and budget issues for implementation of FCAP, with leveraging of grant funding a priority;
- Approval of the national standards to be used for accreditation, with the baseline capabilities as the starting point, ensuring that the protection of civil liberties is an overarching consideration of the development of the accreditation standard;
- Acting as the entity for awarding, suspending, or revoking accreditation and developing and overseeing an appeals process dealing with such matters;
- Establishment of clear and effective controls against conflicts of interest;
- Establishment of ongoing evaluation and continuous quality improvement of the accreditation process, including the appointment or utilization of current work groups or committees in furtherance of program goals;

- Work with the NFCA, NFC-PMO, the DHS/DOJ Fusion Technical Assistance Program, and other partners to advocate the use of the current technical assistance training and programs, as well as providing recommendations for continued improvement and development of gaps identified via the accreditation process.

The membership of the governance board or commission should include voting members from NFCA, NFC-PMO, HSAC, GIWG, CICC, IACP, NSA, a representative from the DHS Office of Civil Rights/Civil Liberties (CRCL), and IALEIA. Associate members (seated on the board but with no vote) should include representatives of ACLU or other privacy advocacy groups, private-sector organizations, academia, and representatives of other national public-safety accreditation programs. Decisions regarding the specific organizations or associations to be seated and whether as a voting member or an associate member would be made by the FCAP leadership and committees. However, inclusion of privacy groups and private-sector partners allows for greater diversity and transparency in the accreditation process. The number of voting board or commission members seems to vary from accreditation program to accreditation program, with ten members being the norm. A term of three years for a board member would allow for greater participation and new perspectives gained from rotating members, while allowing for a certain level of consistency.

3. Standards Development Considerations

The baseline capabilities are an important first step in the development of consistency for a national network of fusion centers, as well as for the development of a national standard for fusion center accreditation. The baseline capabilities represent the minimum standards within which a center should operate. As previously discussed in this thesis, the overarching goal of a national standard is to provide for continuous quality improvement of an accreditation program and the discipline as a whole. Standards need to challenge the centers to achieve higher levels of professionalism and recognition. This was recognized during the development of the baseline capabilities, which are seen as a "living document" on which to build in the future.

In furtherance of fusion center capabilities, it is suggested that the FCAP governance board or commission form a new standards development workgroup or incorporate the current Fusion Center Coordinating Group under FCAP to address all future issues with regard to FCAP standards.

A phased-in approach to standards development would be of benefit; FCAP would be able to immediately adopt the baseline capabilities and begin an accreditation process in order to validate compliance. Initially, accreditation could be awarded based on compliance with the baseline capabilities. As noted in the baseline capabilities document, not all agencies would need to meet every standard, based on size and mission. However, a claim as to any nonapplicable standards would be verified by the accreditation assessment team.

At the conclusion of the baseline capabilities accreditation phase, the standards workgroup should review and enhance the current baseline capabilities. The goal would be to increase the standards to a moderate level as opposed to a minimum level. While every center would not be expected to meet all of the updated standards, a core set of mandatory standards that all centers must meet should be identified, along with a required number of additional "other than mandatory" standards that would be tailored to the individual characteristics of the center and would be required for receipt of accreditation. The baseline capabilities may serve as the core set of those mandatory standards. Once again, the final decision concerning the FCAP standard would rest with the FCAP board or commission on the recommendation of the standards working group. Once formally accepted, the standards should also be codified into an updated assessment document that can be utilized by fusion centers as they move forward with seeking accreditation or reaccreditation. There are several benefits to this approach:

- It allows FCAP to capitalize on the previous work done in the development of the baseline capabilities by utilizing the baseline capabilities as a starting point, thereby alleviating the need to start from scratch;

- FCAP would have immediate value to national strategy implementation by validating the compliance with baseline capabilities in its first edition of accreditation;
- By building on the phased-in approach to standards implementation, FCAP would capitalize on the current acceptance of compliance demonstrated by fusion centers during the current baseline capabilities implementation process.

4. The Assessment Process

The first step for a new or nonaccredited fusion center to gain accreditation should be the application phase. During the application phase, FCAP personnel should meet with leadership of the applying center in order to provide executive-level briefings and an overview of the accreditation process in order to ensure that the center meets the mission objectives and organizational structure of a fusion center and that fusion center leadership has an understanding of the commitment and requirements needed to become accredited. Such executive-level programs are currently available through the DHS/DOJ Technical Assistance Program. This initial requirement is predicated on the anticipated adoption and utilization of the technical assistance program as the technical assistance provider for FCAP; such adoption is highly recommended. The application phase should include a more advanced fusion center accreditation manager-level training, outlining a more in-depth review of the requirements for the process. The initial assessment and training would be required for newly developing centers or centers that do not voluntarily participate in the minimum baseline capabilities accreditation process previously discussed.

The next step is the self-assessment phase. It should build upon the online self-assessment model currently being utilized, with several enhancements. The self-assessment model should require that documentation or proof of compliance be cited. Once completed, the self-assessment should be forwarded to FCAP where it will be reviewed and any clarification as to the compliance of the center addressed. Once accepted by FCAP, the scheduling of an on-site assessment visit and the appointment of

an on-site assessment team would take place. The on-site assessors should be FCAP-trained assessors and should be consist of state, local, and tribal fusion center executives, along with DHS and FBI personnel. The assessment team leader should be a state, local, or tribal fusion center leader from an accredited fusion center of similar size and structure as that of the center being assessed.

During the on-site assessment, the assessors should tour the facility, review files, procedures and process, governance structure, and any citizen complaints, or any documented security violations in order to ensure that the center is in compliance with accreditation standards. A heavy emphasis should be placed on ensuring that the center is in compliance with privacy and civil-liberties policy and law, information and systems security and that the center is adhering to its mission parameters as defined by its governance documents. If noncompliance issues are found, the assessment team should provide recommendations for corrective action and provide a specified time frame for the issues to be addressed. Once addressed, the assessors should return and verify compliance. Any disagreements over applicability of standards or compliance should be mediated by the governance board or commission.

At the conclusion of the on-site assessment, the assessment team should compile an in-depth report of their findings and provide a recommendation as to accreditation for the review of the FCAP board or commission. The FCAP board or commission will then issue one of the following certifications:

- Accredited—The fusion center is in full compliance with all applicable mandatory standards and with the required percentage of applicable other-than-mandatory standards;
- Accredited with conditions—The fusion center is designated as accredited but is required to take specified measures or precautions, within specific time-limits, to cope with current or anticipated events or conditions threatening or preventing compliance;

- Not accredited—The fusion center did not meet the qualifications for accreditation. Note: It is anticipated that any issues would be addressed with the assistance of technical assistance during the on-site assessment, as opposed to refusing to take the corrective action needed, thereby receiving a finding of not accredited.

Accreditation should be effective for three years from the date granted before reaccreditation must be applied for. The reaccreditation process should follow the same steps as those for the initial accreditation, i.e., application, self-assessment, on-site assessment, and award of accreditation. This allows for the implementation of any updates to the FCAP standards that may have occurred during that time. This process does not imply that a fusion center need worry about compliance with accreditation only once every three years. Instead, accreditation should be viewed as an ongoing process of compliance. Accredited agencies should be required to provide an annual report to FCAP documenting their compliance, as well as any issues or complaints that the center may have had or received.

C. RECOMMENDATION FOR THE UTILIZATION OF FEDERAL FUNDING AS AN INCENTIVE FOR ACCREDITATION

Fusion centers are for the most part independently owned and operated state, local, or tribal entities that are largely funded by state, local, or tribal governments. However, much of the efforts to expand fusion center capabilities and ensure a level of consistency have been financed by the federal government through DHS State Homeland Security Program, UASI, and LETPP grants. The current economic downturn has greatly impacted federal, state, and local general revenues, with reductions felt nationwide. With funding shortfalls, government and elected leaders are forced to reevaluate the value and process of agencies and programs. Competition for existing funding is becoming more difficult, and many states are faced with reduction-in-force measures to meet budget demands. Fusion center directors are faced with the negative impact that reduction of funding and resources is having on their ability to comply with the baseline capabilities or to function at all (USDHS Presentation, 2010).

Federal homeland security awards for states and urban areas have also seen reductions. For instance, the amount of SHSP grant funding received by the state of Florida in 2007 was $18,180,000.00. The amount received in 2010 was approximately $9,677,305.00, a decrease of approximately $9 million (State Homeland Security Advisor Briefing, 2010). An additional concern is the consolidation of the LETPP program funding with State Homeland Security Program grant funding. DHS grant guidance requires that 25% of the state SHSP-awarded funds and at least 25% of the UASI-awarded funds be used for LETPP-approved projects and needs (USDHS & USDOJ, 2009, p. 2). Previously, LETPP funding was a separate funding source. Fusion center support and related projects fall under the LETPP requirements, and fusion centers must compete with all other state or UASI law enforcement and terrorism-prevention projects for funding.

DHS has taken steps to address the concerns regarding available federal funds for the support of fusion centers. In the 2010 Homeland Security Program Grant Guidance, DHS noted that the implementation of the baseline capabilities is a key priority of the federal investment strategy for fusion centers. DHS also added the mandate that fusion centers have in place an accepted privacy policy before utilizing federal grants for fusion center build-out or sustainment:

> FY 2010 DHS grant funds may not be used to support fusion center-related initiatives unless the fusion center is able to certify that privacy and civil rights/civil liberties (CR/CL) protections in place that are determined to be at least as comprehensive as the ISE Privacy Guidelines by the ISE Privacy Guidelines committee (PGC) within 6 months of the award date on this FY 2010 award. If these protections have not been submitted for review and on file with the ISE PGC, DHS grants funds may only be leveraged to support the development and/or completion of the fusion center's privacy protections requirements. In FY 2010 all fusion center employees are expected to complete the online 28 CFR Part 23 certification training. (USDHS & USDOJ, 2009, p. 2)

Precedence for the utilization of homeland security grants as an incentive to develop and comply with critical aspects of the baseline capabilities for fusion centers has been established and should be built upon for the implementation of a fusion center accreditation program. Requiring accreditation, or at least giving preference in the federal

grants application process to accredited fusion centers, would add value to the FCAP initiative and promote the adoption of the nationally accepted standards needed for a successful national fusion center network. The success of other disciplines in leveraging accreditation to increase confidence and recognition among governmental and legislative leaders and the public suggests that a fusion center accreditation program would offer the same benefits for accredited fusion centers.

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APPENDIX: EIGHTEEN OVERARCHING GUIDELINES

1. Adhere to the tenets contained in the National Criminal Intelligence Sharing Plan (NCISP) and other sector-specific information sharing plans and perform all steps of the intelligence and fusion processes.
2. Collaboratively develop and embrace a mission statement, and identify goals for the fusion center.
3. Create a representative governance structure that includes law enforcement, public safety, and the private sector.
4. Create a collaborative environment for the sharing of intelligence and information among local, state, tribal, and federal law enforcement agencies, public safety agencies, and the private sector.
5. Utilize Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), or other types of agency agreements, as appropriate.
6. Leverage the databases, systems, and networks available via participating entities to maximize information sharing.
7. Create an environment in which participants seamlessly communicate by leveraging existing systems and those currently under development and allow for future connectivity to other local, state, tribal, and federal systems. Use the U.S. Department of Justice's (DOJ) Global Justice Extensible Markup Language (XML) Data Model and the National Information Exchange Model (NIEM) standards for future database and network development, and consider utilizing the Justice Information Exchange Model (JIEM) for enterprise development.
8. Develop, publish, and adhere to a privacy and civil liberties policy.
9. Ensure appropriate security measures are in place for the facility, data, and personnel.
10. Integrate technology, systems, and people.
11. Achieve a diversified representation of personnel based on the needs and functions of the center.
12. Ensure personnel are properly trained.

13. Provide a multi-tiered awareness and educational program to implement intelligence-led policing and the development and sharing of information.
14. Offer a variety of intelligence services and products to customers.
15. Develop, publish, and adhere to policies and procedures manual.
16. Define expectations, measure performance, and determine effectiveness.
17. Establish and maintain the center based on funding availability and sustainability.
18. Develop and implement a communications plan among fusion center personnel; all law enforcement, public safety, and private sector agencies and entities involved; and the general public.

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